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No. 123

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. COLE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

September 9, 2003.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 64. Concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes.

S. Con. Res. 65. Concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

MILITARY DEATH GRATUITY TAX REPEAL

Mr. JONES of North Carolina. Mr. Speaker, I came to the floor today because let me first explain the posters on my left and right are the faces of young men and women who have died fighting for freedom in Iraq and Afghanistan, and also, Mr. Speaker, I hold up a photograph of a young man from Connecticut whose name is Tyler Jordan, 6 years old. He has the American flag folded under his arm, and he is looking at the casket of his father who died for freedom. Gunny Sergeant Phillip Jordan from Connecticut died for freedom.

Mr. Speaker, the reason I am on the floor today is that last year I introduced a bill that would repeal the tax on the death gratuity. The American military family receives when a loved one dies a small amount of money. It is \$6,000, and there is a tax on \$3,000 of the \$6,000. And last year we passed in a larger bill a repeal, and it was sent to the other body and they did nothing with it. This year again the House has passed the same language which was in H.R. 693, the Military Death Gratuity Tax Repeal, the bill I put in. It was put into a larger bill that went to the Senate, and they still have taken no action. Let me tell the Members what that means.

From September 11, 2001, to December 31, 2001, over 292 military were killed and their families paid a tax on the gift of their son or loved one fighting for freedom. That is absolutely horrible in my opinion, Mr. Speaker. And in the year 2002, 1,007 families had to pay a tax on the death of a loved one. Again, Mr. Speaker, I want to say that we, the House, have done our part and we have sent to the other body legislation to repeal this tax. It is unacceptable that any family in this country who has a loved one who has died for freedom would get a bill tax due from Uncle Sam. And, Mr. Speaker, I am

calling on the House leadership to bring up H.R. 693, bring it to the floor as a stand-alone bill, let us pass it and send it over to the other body, because if we will do that, Mr. Speaker, I will go on every radio show I can get on, every TV show I can get on, and ask that we not leave this October/November without passing this bill to eliminate the tax on the death gratuity. \$6,000 is not enough. We need to raise that, but there is one thing we can do, take off the tax.

Again I hold up the photograph of this young man, Tyler Jordan, who gave his father to this country, and why in the world should his family, in the year 2004, get a tax due bill from Uncle Sam? Is not giving the life of a loved one fighting for freedom enough?

So, again, Mr. Speaker, I ask the House leadership, both Republican and Democrat, to join me and bring to the floor H.R. 693. Let us repeal this death tax and send it over to the other body, and let us put pressure on them to get it to the President so that the other Phillip Jordans throughout this country will not have a mother or father saying I owe Uncle Sam tax on the gift of my loved one.

Mr. Speaker, with that, I want to close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform, and I ask God in His loving way to hold in his arms those who have lost ones fighting for freedom, and I ask God to bless the American people, the House and Senate that we will do what is right. I ask God to give strength and wisdom to the President of the United States. And I ask God three times, please, God; please, God; please, God, continue to bless America.

WTO MINISTERIAL

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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(Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we have seen little press coverage in the United States of the World Trade Organization before its ministerial beginning this week in Cancun, Mexico. But around the globe, the WTO's 5th Ministerial is a big story. The divide between WTO nations about its future is coming into public view. At stake in Cancun is the future of the World Trade Organization and how it will implement corporate globalization. Success or failure depends on which side of the divide countries stand. Given that the most powerful countries of the WTO, partnering with the supposedly neutral WTO Secretariat, have set the meeting's agenda to suit their goals. There can be no good outcome.

The best result is what the U.S. media may report as a "failure." The small block of powerful nations fail to steamroll the majority of the WTO's members who are developing nations, and the summit ends in deadlock. The problem is that the U.S., the European Union, Japan, and a handful of other rich nations want the WTO to be "the constitution for a single global economy," a description that the first WTO Director General famously uttered in a moment of unguarded candor.

They want the WTO to enforce one-size-fits-all rules on an array of issues ranging far beyond trade which all WTO countries must adopt as their domestic practices. These broad WTO rules would implement worldwide what has become known as the "Washington Consensus."

While this agenda has proven to be a devastating failure; its agenda of eliminating a role for Government and public interest regulation of the market, establishing new property rights and protections for corporate interests, of creating tradable units out of vital public services, privatizing water, supplies, all of that, genetic materials and common resources, is at the heart of the WTO, which currently enforces 18 expansive agreements implementing this version of corporate-led globalization. Yet to the world's largest corporations and their client governments, this is only the beginning.

The U.S., the European Union, Japan, and others are pushing for decisions in Cancun to add to the WTO extreme terms that are now only contained in the clearly failed North American Free Trade Agreement. These new issues include expansive new investor rights, rules on government procurement eliminating local or environmental preferences, undercutting domestic environmental food safety laws, and new rights for foreign service corporations to turn Government services such as water treatment facilities, how we get our water, into for-profit foreign or domestic corporations.

Meanwhile, an increasingly consolidated block of developing nations have a different view. These nations want the WTO to deal simply with trade,

World Trade Organization, and do so in a way that benefits all of the WTO nations, not just the most powerful and the richest countries.

While different developing nations have different ideas about fair trade, they are united in opposing any expansion of the WTO into these new areas outside of just trade. When the Uruguay Round in 1994 created the WTO, developing countries were promised major gains. They were promised that industrialized nations would lower and eventually eliminate tariffs on items like textiles and apparel and cut agriculture subsidies that have enabled huge agribusinesses to dominate the world market. They were promised the WTO would be good for development in the poor countries. Newspapers and opinion shapers largely endorsed the ideas and promoted it.

As the WTO, however, moves forward on new issues of negotiations, these promises remain utterly unfulfilled. If the WTO is to maintain trade credibility as a trade organization rather than evolving into the CHO, the Corporate Handout Organization, it must revisit the issues that affect developing nations before adding to its agenda and it must stop pandering to the largest, most powerful multinational corporations in the world.

ULTRASOUND SURVEY RESULTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I come to the House floor to talk about my bill H.R. 195, which is the Informed Choice Act. The results of a recent survey commissioned by Care Net of 802 female registered voters nationwide unequivocally demonstrate that women coast to coast, and from all walks of life, agree that providing ultrasound technology for women's health centers is an important and worthwhile cause. It is clear that these women view ultrasound as an essential resource for women who are faced with unplanned pregnancies and the related decision to either terminate or to continue that pregnancy.

Nearly nine in 10, 87 percent of women, said it is important for non-profit women's health centers to provide ultrasound services, including a considerable majority, 64 percent, who believe this is a very important priority.

A majority of female registered voters believe that women facing crisis pregnancies would benefit from having access to ultrasound. Over half, 51 percent of those surveyed, said that women who are considering abortions should have access to ultrasound consistent with the rest of the prior to finalizing their decisions. In contrast, just 31 percent claim that seeing an image of what is inside would make such a decision more difficult.

Mr. Speaker, it is clearly the belief of these women that ultrasound provides understanding, not uncertainty. It is with this new information in mind that I remind my colleagues about my bill, H.R. 195, "The Informed Choice Act." I have introduced this legislation authorizing HHS to establish grants for which nonprofit health clinics could apply and, if awarded, purchase the needed ultrasound equipment. Many uninsured women are prohibited from finding the health care they need because the free health clinics to which they have access are unable to provide medical services because of the lack of funds to purchase such medical equipment. The mother is, therefore, forced to wander from one clinic to another in search of the services that she so desperately needs. Enabling these health clinics to purchase ultrasound equipment would be a persuasive push in the direction of transitioning from a health clinic to a medical facility.

The advantages of ultrasound are many. It is fast and relatively cheap, costing about \$50 per exam. Ultrasound exams are performed at about 10 to 14 weeks of the pregnancy and are considered the best way to gauge growth before birth. Ultrasound can diagnose heart problems in the unborn child, find neural tube defects including spina bifida, and determine the position of the placenta. There is even now an ultrasound piece of equipment that can provide a 3-D image that can rotate 360 degrees to see all sides of the baby.

My legislation will ensure that doctors can provide critical information to mothers in the decision-making process regarding their pregnancies. Nothing in my bill makes ideology regarding abortion a condition for the grant. Whether a center offers abortion or abortion alternatives, the clinic is eligible so long as it meets the criteria set forth in the bill.

In the controversy today over abortion in America, emotionally charged rhetoric clouds the issue and does damage, I think, to the efforts made on behalf of mother and child. No matter one's conviction concerning abortion, we can all agree that the mother deserves as much information as is available in making this solemn decision. Information is the best weapon in diffusing the volatile discussion and returning us to our first concern, which is the health of the mother and child. The ultrasound equipment is a valuable tool in expanding the debate beyond traditional platitudes on both sides of the argument.

Modern medicine has provided us with a window into the womb. These advances in technology empower women with as much information as possible regarding their pregnancy. The goal of my legislation is to provide women who find themselves with an unplanned pregnancy with the full scope of information such that they may finally make an informed choice.

This bill is about the dissemination of information. The bill is about extending more free services to women

and about making available this vital technology to the very poor women as well as to the rich.

So in conclusion, Mr. Speaker, there are times when people of good faith who differ on an issue can come together and find a place to agree. I believe my legislation, H.R. 195, brings us beyond the shrill arguments regarding abortion and makes a meaningful effort to care for the mother and the child.

THE TIME FOR TRUTH AND CANDOR

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, President Bush's televised speech on Sunday night, calling for tens of billions of dollars in additional funding to support the U.S. occupation of Iraq, was extremely disappointing, disappointing because the President failed to explain to the American people the details on how he is going to change this failing policy.

It is clear that his administration rushed to war with too little thought given to the implications of an American occupation of Iraq. We were not welcomed with open arms as some administration officials have predicted. On the front page of today's Washington Post is an article entitled "Spy Agencies Warned of Iraq Resistance," detailing how U.S. intelligence agencies warned the Bush Administration before the war that there would be significant armed opposition to a U.S.-led occupation. In all the many briefings I attended, I do not recall any administration official sharing that information. We have not found the weapons of mass destruction that we were told existed in such abundance.

And while the administration continues to link Iraq to the terrible tragedy of September 11, so far it has produced no evidence to support such a claim. In fact, the occupation of Iraq has increased the terrorist presence in that country, not lessened it.

On Sunday night President Bush had the opportunity to tell the American people of his plan, including his exit strategy for the brave American men and women who are serving in Iraq with such incredible distinction. Instead, the President detailed nothing.

This is a war that should never have happened. As awful as Saddam Hussein was, he was not an imminent or direct threat to the people of the United States. Months into the war, the Congress and the American people are still waiting to hear a clear, consistent and convincing justification for it. Why did we need to invade Iraq? What was so urgent that it required us to go to war when we did? Why could we not have spent the necessary time to build an international consensus on how to best

deal with Saddam? What was so threatening to our country that made this Congress spend only 1 day, 1 day debating the authorization authorizing war?

As of today, 284 brave young Americans have lost their lives and 1,450 have been wounded. And in preparation for this war, this Chamber could only manage to devote a single day in October debating it. That is shameful.

Now the President says he wants another \$87 billion and expects everyone to just go along, no questions asked. Mr. Speaker, like so many people throughout this country, I have a lot of questions and I am not prepared to just go along. I want to make sure that American troops have all the resources they need and I am not advocating that we walk away from our obligation to the people of Iraq. However, I also want to make certain that the hard-earned tax dollars of the American people are not wasted on more of the same. I have no problem with helping Iraq build hospitals, health clinics, schools, roads and housing. But I do have a problem with the lack of support by this administration for the building of hospitals and health clinics, schools, roads, and housing right here in the United States.

Why did the President not tell us on Sunday that in the face of this enormous price tag, he is willing to forego his tax cut for millionaires so that we can avoid going deeper into debt? If this is a time for sacrifice, then why do the people in the income bracket of President Bush and Vice President CHENEY not have to make any sacrifice? I cannot vote for 87 billion additional dollars without some accountability and some clarification. What is the plan? How long are we going to be there? Eighty-seven billion dollars is for just 1 year. What about next year or the year after that? How is the \$87 billion going to be spent? How were the \$79 billion we appropriated in April spent? We are now at \$166 billion and counting.

The President wants us to spend \$87 billion more mostly for Iraq. For months some of us have been trying to get just \$1.8 billion more for our veterans' health care only to be told by the administration that there is not enough money. We have been trying to get \$7 billion so that the Pell grant program fully lives up to its promise and students are not buried under a mountain of debt. The administration says no. We have been trying to get just \$300 million to fund the Global Food for Education Initiative, to provide a nutritious meal in a school setting for millions of children, but the administration tells us that the money just is not there.

The American people need to know what is at stake here. They need to know about the choices the administration is asking us to make. This is a time for truth and candor. We have had enough spin. We have had enough deception. This is also the time for this Congress to do what it failed to do be-

fore the war: ask the tough questions, demand the straight answers, and debate thoughtfully the implications of what we are doing. We must be more than a rubber stamp, and I would urge my colleagues respectfully to proceed with caution.

PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, my intention is to talk about the need for a prescription drug benefit for seniors under Medicare, but when I listened to the previous speaker, the gentleman from Massachusetts (Mr. MCGOVERN), he made it a point about the President's speech on Sunday night about how this \$87 billion in new funding that the President is requesting for Iraq is going to have a direct impact on domestic programs, and I have to say it was very disturbing to me today to read in the New York Times in the lead story on the front page that some Republicans were suggesting that because of the additional needs for Iraq as outlined in the President's speech that maybe some of them would now reconsider whether they would support a prescription drug benefit for seniors.

Let me tell the Members the Republican leadership in this House as well as the President have been saying for over 2 years that they are going to provide a prescription drug benefit for seniors and there is no reason not to do it. The notion that somehow now we do not have enough money for it is bogus, given the fact that the Republicans passed all these tax cuts, a series of three tax cuts that now have put us into a deficit. In addition to that, the fact of the matter is if they were willing, which they have not been, to provide some kind of cost controls or some requirement that part of the Medicare prescription drug program would assume that the Secretary would negotiate lower prices for discounts, we would be able to afford a good prescription drug benefit.

I do not want to hear and I am not willing to listen to those Republicans who are going to tell us over the next few months that we cannot afford a prescription drug benefit. It is their own policies that have put us into this deficit situation. It is their own policies that make it difficult for us to negotiate any kind of price reductions or put any kind of price controls in effect because they oppose it ideologically.

It is interesting because earlier this week there was another article in New York Times that talked about the VA programs and how successful the veterans program has been in trying to keep costs down for prescription drugs, and that is because they negotiate price reductions. They insist as part of the VA program that when they buy

drugs in bulk that they get a discount price. We should be doing the same thing here for seniors in general. We should provide a prescription drug benefit that takes care of all seniors, regardless of their income as long as they are eligible for Medicare and also a prescription drug program that goes directly to the issue of price by saying that the Medicare administrator, the Secretary of Health and Human Services, should be empowered and should be mandated to reduce prices by negotiating price reductions because he now represents 40 million seniors who are part of the Medicare program.

Instead, the Republicans, because I know the conference is now going on between the House and Senate versions of this Medicare prescription drug bill, we hear the Republicans still insisting on the fact that they want to privatize Medicare, give senior citizens a voucher, and tell them that they have to go out and buy private insurance at some point in the future if they want to continue with their Medicare program in general. And then we are told that if they want to get any kind of prescription drug program under the Republican proposal, that they have to join an HMO because if they do not join an HMO or some kind of private program, they will not get the prescription drug benefit. That is bogus.

Today in the New York Times there was an article on page A-21 where they talked about fewer people on Medicare are being dropped by HMOs this year and the head of the Trade Association for HMOs was so proud of the fact that this year, or I guess next year, they estimate that only 39,000 to 40,000 Medicare beneficiaries will be dropped by their HMOs. So what? What about the fact that so many other seniors have been dropped by their HMOs in the last few years? It is estimated in this article that only about 11 percent of the 40 million seniors are now in HMOs or getting some kind of a drug benefit through their HMO. How in the world are the Republicans going to propose saying that the only way they get a prescription drug benefit is if they join an HMO, when only about 11 percent right now of seniors are in HMOs and fewer and fewer every day because even with this drop in the number that are essentially being dropped, there is still another 40,000 that will not be able to keep their HMO as a means of continuing with their Medicare?

The bottom line is, and this is what the Democrats have said, there is an obligation on this Congress and this President to pass a prescription drug bill that provides a prescription drug benefit to all seniors, whether or not they are in an HMO or not, and the Medicare prescription drug proposal should not be used as an excuse to privatize Medicare in general.

There is going to be a motion to instruct this week. I believe it is going to be proposed by my colleague from Maine, to make the point that the conferees should not require people to

have to join an HMO to get their prescription drug benefit and that we should not be moving down the road of privatizing Medicare, and we need to pass that motion, but we also need to have some kind of way of dealing with the issue of price. Otherwise, we are never going to be able to afford this prescription drug benefit.

INTRODUCTION OF THE STUDENT TESTING FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized during morning hour debates for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, last spring I received an e-mail from a sixth grade math teacher by the name of Dawn Spurr. Dawn teaches in a small town in my district, and she wrote to me just after she had given her students a standardized test that she did not feel fairly measured her students' progress. She told me that several of her students were very upset. Some even left the classroom in tears because they simply did not have enough time to finish the test even though she felt they knew the answers, and she was upset as a teacher because she will be judged based on how well her students perform on that test. As a result, she said in her letter, Congressman, "instead of teaching students, I am to teach a test."

As a result of this e-mail I received, today I am introducing a bill titled The Student Testing Fairness Act. This bill will address some of the problems with all of the new testing mandates contained in the No Child Left Behind law. Even though the test Dawn gave her students was not one mandated by the No Child Left Behind law, the law does mandate certain standardized testing procedures which will make the situation even worse.

The No Child Left Behind law establishes two important goals: First, the law requires schools to make all students proficient in reading and math by the year 2013-2014 school year. And, second, the law requires schools to close the achievement gap between subgroups of poor and minority students and their more affluent non-minority peers. The No Child Left Behind law requires annual testing in reading and math of all students in grades three through eight and once in grades ten through 12 beginning in the 2005-2006 school year.

Mr. Speaker, effective and appropriate standardized tests can be used to measure student progress and to target help where it is most needed. However, test scores alone cannot accurately measure a student's success or a school's success. Other measures such as attendance rates, dropout rates, and the percentage of students taking advanced placement tests all contribute to the overall picture of a school's success or failure. While the No Child Left Behind law does allow the use of mul-

tiple measures in assessing a school's success or failure, it provides no balance.

Test scores are always a prerequisite for a school's success, and other indicators cannot be used to help a school succeed even though they can be used to determine whether or not a school is sanctioned. This has very troubling consequences. For example, since schools cannot succeed by reducing dropout rates but they can incur sanctions if their test scores fail to show consistent annual improvement, they have little incentive to keep at-risk students who are more likely to get lower test scores from leaving school.

The Student Testing Fairness Act will give schools and teachers and students the flexibility to measure progress using more than just a single standardized test. Among several other provisions, my bill will give schools credit for any student improvement, not just improvement that brings a subgroup of students into the proficiency category. And my bill will ensure that help is targeted where it is needed by limiting public school choice and supplemental services to those subgroups of students who have failed to improve.

Standardized tests can work, but they are not the only answer, and I hope my colleagues will join me in ensuring that the educational reforms enacted by the No Child Left Behind bill are truly effective by passing the Student Testing Fairness Act into law.

Mr. Speaker, we have passed huge mandates from the Federal Government down to the States. We are underfunding those mandates by \$8 billion. As a result, students will drop out and teachers and schools will be unfairly punished.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BURGESS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of mercy and love, You offer all peoples of the Earth the dignity of sharing in Your life.

Strengthen the people of this Nation to overcome all racial hatreds and religious prejudices that we may truly be one Nation under God enlightened and free; a real witness of inner freedom to the world.

May the Members of the House of Representatives be united in enacting laws and formulating policies that assure everyone equal justice under the law. This we ask and for this we are eternally grateful and praise You Lord now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOMETOWN HERO

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, over the years the first district of South Carolina has been home to many heroes. I would like to thank one of them today.

Brigadier General Jerry Black retired this Sunday after 36 years of distinguished service in the U.S. Air Force and Air Force Reserve.

A low country native, General Black graduated from St. Andrews High School and the Citadel. From there the Air Force sent him all over the world.

From pilot training in Texas to service in Vietnam, from Panama to the Middle East, in peacetime and in war, General Black was always eager to answer his country's call to duty.

Most recently, General Black served as the wing commander for the 315th Air Wing in Charleston Air Force Base. It was here that I had the pleasure to meet with him on several occasions. I can personally attest to the many long hours he dedicated to ensure success in both Afghanistan and Iraq.

General Black leaves behind a legacy of dedication, selflessness, and integrity. Our country is better for his service, and the first district is proud of this hometown hero.

CELEBRATING THE 19TH ANNIVERSARY OF NEW COVENANT ASSEMBLY CHRISTIAN MINISTRY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this past weekend marked the

19th Founder's Week and Church Anniversary Services for the New Covenant Assembly Christian Ministry of Columbia, South Carolina.

Led by Pastor C.L. Hardy and his first lady, Cynthia Hardy, this ministry has risen from humble beginnings in 1984 at St. Andrews Community Center to an inspiring edifice changing lives across the midlands of South Carolina.

Additionally, Dr. Hardy founded the NCA Community Development Center. Its mission is to aid, service, and develop people to reach their highest and fullest potential by providing special outreach programs, promoting educational success, and by enhancing permanent leadership.

Dr. Hardy's success has been recognized by his appointment as Suffrogon Bishop in region three of the Pentecostal Assemblies of the World and his election as chairman of the Carolina State Council. However, as Dr. Hardy often says, "It's all about the Lord, not me."

I ask my colleagues to join me in honoring Dr. and Mrs. Hardy for their many achievements and wish them well for many more years of dedicated service to the people of both Carolinas.

SUPPORTING THE AMERICORPS PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of AmeriCorps, a program that offers an opportunity for young people and Americans of all ages to contribute to their communities. It makes the dream of college education a reality for families who work hard and play by the rules while meeting compelling human needs in our communities in a cost-effective manner.

I have been supportive of all national and community service initiatives President Bush appealed for in his 2002 State of the Union address. But the majority side of the appropriators refused to include AmeriCorps funding in the supplemental appropriations bill.

Mr. Speaker, the lack of supplementary funding for AmeriCorps has had a vital impact on Dallas, my hometown, and the other AmeriCorps programs across the State.

Throughout the past year, nearly 72 AmeriCorps volunteers have tutored 691 youths in the State of Texas including the Dallas Habitat for Humanities and the YMCA of Dallas Oak Cliff Branch.

In Texas, as in other States, AmeriCorps volunteers provide a host of services including building affordable housing, teaching computer skills to youth and seniors, and managing after-school programs aimed at youngsters who might otherwise drop out of school.

Mr. Speaker, we will not find common ground or reach higher ground if we turn national service into a partisan playground.

I will continue to work hard and do everything I can to strengthen this program, and I ask my House colleagues to do everything as well.

DEMOCRACY MEANS YOU

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, my office, just like any other office here on the Hill, responds to thousands of constituent concerns each month. We spend a great deal of time responding in a timely manner to these letters, e-mails, and phone call requests; and this give and take is the hallmark of our democracy.

Lately, I have been receiving more and more letters and e-mails sent by organizations supposedly on behalf of my constituents. One of these organizations recently sent a letter to my office from one of my constituents. The problem is that this constituent is a personal friend of mine who did not ask them to send a letter to me with his name on it. In fact, he did not even agree with the content of the letter. He simply signed up to receive e-mail updates. He told me in an e-mail last month that "every week this group would send junk to the people on their list, and then ask you to forward it to your politicians. What a scam. I never forwarded any of that garbage." Yet one of those messages got to me with his name on it.

It is outrageous that any group would send mass mailings to Members of Congress under false pretenses, deceptively putting someone's name on it without their knowledge or consent. We rely on the integrity of the mail so that we can reply in good faith; and when that good faith is undermined, it is shameful and a disgrace to the American democratic system.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BURGESS). Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1412

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday,

September 4, 2003, the amendment by the gentleman from Tennessee (Mr. COOPER) had been disposed of, and the bill was open for amendment from page 53, line 3 through page 157, line 2.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except the amendments designated in the order of the House, which may be offered only by the Member designated in the request, or a designee, shall be considered read, shall be debatable for the time specified in the request, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 6 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____ Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$893,000,000.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and I will not take the 5 minutes. I will try to make this as quick and painless as possible in deference to our chairman here.

Mr. Chairman, I rise today to offer an amendment to cut by 1 percent the level of funding in the appropriations bill, which amounts to \$893 million. As most Members are aware, I have introduced similar amendments to appropriations bills. The same tiny 1 percent translates to one penny of every dollar we spend. Some might ask what we get for this penny. My amendments would have saved over \$3 billion.

Mr. Chairman, I think the committee has done a good job; but we do have a deficit crisis, I think, and we need to deal with it. I think now is the time to deal with it, and this is one little way we can approach that.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, with all due respect to the gentleman from Colorado, and despite my great sympathy with his amendment, I cannot support it. The amendment seeks to make across-the-board cuts in this bill, which we have carefully crafted to try to balance priorities. That means that had we received an allocation of lesser numbers, such as the gentleman effectively would create, we would have changed priorities, not done an across-the-board cut.

I certainly appreciate his desire, but let me state that what we have done in the bill is to go through and tighten and clamp down on everything that it was in my power to do, Mr. Chairman.

□ 1415

In doing so, we have tried to put as much money as possible where I believe we have some of the greatest need in this country and where the taxpayers have been paying through their fuel taxes at the gasoline and the diesel pump, namely, the highway construction program, which has a great backlog. It, unfortunately, would be affected most heavily by the gentleman's amendment. Some \$428 million from highway construction programs would be lost under the gentleman's amendment. That would greatly diminish our ability to work upon the \$400 billion backlog that we have throughout the country, the tens of thousands of dangerous bridges that we are trying to address through the funding in this bill.

There are other impacts upon other agencies, but most especially, it would affect the highway program which we have gone to great lengths to adjust priorities in this bill to try to give the taxpayers something for what they have been paying at the gasoline pump, namely, some improvements in the road situation that is costing taxpayers billions of dollars a year in lost income and in delays due to the heavy amount of congestion and difficulty they have in traffic.

So I have great sympathy for the proposal that the gentleman offers, but I rise in opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public

building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Massachusetts (Mr. OLVER) each will control 5 minutes.

Mr. OLVER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a couple of minutes when I finish speaking, I will move to withdraw my amendment from the floor and acknowledge the propriety of the point of order and the circumstances.

This amendment would increase the American-made content of the equipment purchased under the bill from 50 to 65 percent. This modest increase will strengthen the job-creation benefits of the bill. I am all for having a strong construction industry in America, and the infrastructure funded by this bill will provide many jobs in that industry. At the same time, I want to give our manufacturing industry the same boost. Our Nation's industrial workers deserve no less, and their need for help is great.

The Washington Post said on September 3, 2003, "In his Labor Day address, the President signaled that the loss of 2.6 million manufacturing jobs during his administration had moved to the top of his list of domestic policy concerns."

In 1981 Rockford, Illinois, which I have the privilege to represent, had an unemployment rate of 25 percent, the highest in the Nation. Today it is around 11 percent, and I do not want to see a recurrence of 1981. This summer we lost two more factories. We are in danger of seeing our industrial base irreparably harmed. Many of these well-paying jobs are leaving forever. How do we get back the jobs once they are moved to a foreign-producing country?

In August, manufacturing employment declined again for the 37th consecutive month. That is a record. That is another 44,000 manufacturing jobs erased from the payroll.

For the first time in our Nation's history, we have fewer than 10 percent of our jobs in the manufacturing sector of the labor force. That means fewer employees at any time since 1961 when the U.S. population was 100 million smaller. Manufacturing & Technology News said on May 16, 2003, "The U.S. manufacturing sector is now producing 1 billion per day less than its own domestic markets demand as a flood of cut-throat-priced imports displaces output and jobs at an unprecedented rate. U.S. industry now produces \$10 billion less auto parts each month than our own

markets demand, \$3 billion less in computer and computer parts, and so on throughout the sector."

Are not our manufacturers deserving of this modest help that we can give them here today? Mr. Chairman, we need help in the manufacturing sector.

Mr. Chairman, I ask unanimous consent to withdraw this amendment because of the rules.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT NO. 24 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. SESSIONS:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available in this Act may be used to operate individual Amtrak routes whose Operating Ratio (defined as expenses divided by revenues, where revenues include State subsidies) is identified as greater than 2.0 in the February 7, 2002, report by the Amtrak Reform Council entitled "An Action Plan For the Restructuring and Rationalization of the National Intercity Rail Passenger System".

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Massachusetts (Mr. OLIVER) each will control 5 minutes.

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a modest attempt to inject an objective standard into the Federal Government's Amtrak route funding decisions. Under the Amtrak Reform and Accountability Act of 1997, Federal fi-

nancial assistance to cover operating losses incurred by Amtrak were to be eliminated by the year 2002. Sadly, Amtrak is nowhere near eliminating its need for Federal financial assistance to cover its operating losses. I cannot say we are any closer to achieving that goal now than we were in 1997.

The Amtrak Reform and Accountability Act of 1997 established and provided for an independent commission known as the Amtrak Reform Council, which was statutorily charged with evaluating Amtrak's performance and making recommendations for achieving further cost containment, productivity improvements, and financial reforms. Its work has not gone completely unnoticed by this Member. At least I believe one amendment and change should be made as a result of its report that was made in February 2002 to Members of Congress.

Appendix V of that report, which I have blown up for Members' consideration and will include for the RECORD, calculates in its last column what is known as the operating ratio for each of its 2001 routes.

My amendment simply states that based on each route's operation ratio, Amtrak either gets fiscal year 2004 Federal funding to operate the route or it does not. The routes highlighted in green on this chart will make the cut and receive Federal 2004 funding. Those are routes that recoup 50 cents in revenue which include State subsidies for each dollar in operating costs. The routes highlighted in red on this chart will not make the cut and will receive no fiscal year 2004 funding. I believe these routes unfairly stretch the pockets of the American taxpayer and put the Amtrak system at risk.

This amendment is an honest and modest attempt to inject some objectivity into the Amtrak funding process. As Members can see, the lion's

share of the corridor trains will stay in business in fiscal year 2004 under my amendment. That is because they show the greatest potential for ridership and for achieving the goal of the Amtrak Reform and Accountability Act of 1997 of eliminating Federal assistance to cover Amtrak's operating losses.

Six of the 19 long-distance trains will receive 2004 Federal funding under my amendment. Those that cannot show at least \$1 for every \$2 in cost will not. This amendment is more than reasonable. With it, Congress simply says any passenger route that fails to generate just \$1 in revenue for \$2 in cost is a route not worth keeping in the upcoming financial year. This amendment also involves more than just a concentration of funds on the most visible lines of Amtrak. It also involves America's trust.

The public must trust in what Congress is doing with their money. Amtrak is not a public welfare project. It provides a real service, it buys capital equipment, it owns a significant amount of real estate, and it holds substantial quantities of hard assets, all of which were once in the hands of the private sector.

My amendment is also about running a railroad. If we lay any claim to being a competent governing body capable of spending taxpayer money wisely, then we have to take the responsibility for the money and we have to make sure that the way it is spent is put to good use. Putting a cap on poor performance and the routes that do not make this revenue cut simply is something that Congress must step up to the plate and address. Allowing Amtrak to operate any and all unprofitable lines without any limitation forfeits far too much of our credibility with this body that we can run a railroad or be worthy stewards of the taxpayer money.

APPENDIX V: AMTRAK'S 2001 PROFIT/LOSS OF INDIVIDUAL ROUTES

[From the February 7, 2002, report by the Amtrak Reform Council entitled "An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System."]

	Ridership (000)	Revenue ex- cluding State payments (millions)	Total revenue with State payments (millions)	Total costs excluding de- preciation (millions)	Profit/Loss on full costs (millions)	Loss per rider (full costs)	Operating ratio, ex- penses di- vided by re- venues (in- cluding State subsidies)
Corridor Trains:							
Keystone & Clocker	3,021	42.4	45.2	65.6	(20.4)	(6.75)	1.45
Route 1, Metroliner/Acela Exp.	2,652	271.2	271.2	220.0	51.3	19.33	0.81
Route 3, Ethan Allen Exp.	42	2.0	2.2	4.5	(2.2)	(52.91)	1.99
Route 4, Vermonter	69	4.3	5.8	6.4	(0.6)	(9.09)	1.11
Route 5, NE Direct/Acela Regional	6,262	328.6	328.6	400.1	(71.5)	(11.42)	1.22
Route 15, Empire Service	1,304	52.5	52.5	89.0	(36.5)	(27.97)	1.69
Route 20, Chicago-St. Louis	254	7.8	11.5	27.7	(16.1)	(63.63)	2.40
Route 21, Hiawathas	424	7.6	12.6	26.0	(13.3)	(31.47)	2.06
Route 22, Chicago-Pontiac	295	9.7	9.7	30.9	(21.2)	(71.95)	3.20
Route 23, Illini	105	3.5	6.0	9.1	(3.1)	(29.75)	1.52
Route 24, Illinois Zephyr	100	2.7	5.5	8.2	(2.7)	(27.09)	1.49
Route 29, Heartland Flyer	58	1.2	5.8	5.2	0.6	9.93	0.90
Route 35, Pacific Surfliner	1,716	31.0	52.5	78.6	(26.1)	(15.21)	1.50
Route 36, Cascades	565	15.5	31.8	38.1	(6.3)	(11.21)	1.20
Route 37, Capitols	1,073	11.7	30.2	34.6	(4.4)	(4.11)	1.15
Route 39, San Joaquins	712	19.8	43.0	52.0	(9.0)	(12.62)	1.21
Route 40, Adirondack	100	4.4	7.1	7.8	(0.7)	(7.29)	1.10
Route 41, International	105	3.4	7.1	10.0	(2.9)	(27.47)	1.41
Route 56, Kansas City-St. Louis	177	4.5	10.5	12.6	(2.1)	(11.75)	1.20
Route 65, Pere Marquette	59	1.9	4.1	6.6	(2.5)	(42.61)	1.61
Route 67, Piedmont	51	0.7	4.0	5.0	(1.0)	(20.35)	1.26
Totals, Corridor Trains	19,146	826.4	946.9	1,137.9	(191.1)	(9.98)	1.20
Long Distance Trains:							
Route 16, Silver Star	266	30.7	30.7	60.8	(30.0)	(112.86)	1.98
Route 17, Three Rivers	134	26.5	26.5	59.3	(32.8)	(244.69)	2.24
Route 18, Cardinal	68	4.4	4.4	17.1	(12.6)	(186.91)	3.85
Route 19, Silver Meteor	252	28.5	28.5	49.8	(21.2)	(84.12)	1.74
Route 25, Empire Builder	398	53.3	53.3	98.7	(45.4)	(114.14)	1.85
Route 26, Capitol Limited	154	21.4	21.4	45.6	(24.2)	(157.33)	2.13

APPENDIX V: AMTRAK'S 2001 PROFIT/LOSS OF INDIVIDUAL ROUTES—Continued

[From the February 7, 2002, report by the Amtrak Reform Council entitled "An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System."]

	Ridership (000)	Revenue ex- cluding State payments (millions)	Total revenue with State payments (millions)	Total costs excluding de- preciation (millions)	Profit/Loss on full costs (millions)	Loss per rider (full costs)	Operating Ratio, ex- penses di- vided by re- venues (in- cluding State subsidies)
Route 27, California Zephyr	361	51.7	51.7	103.7	(52.0)	(143.93)	2.01
Route 28, Southwest Chief	265	65.9	65.9	128.7	(62.8)	(236.76)	1.95
Route 30, City of New Orleans	187	15.3	15.3	39.1	(23.7)	(126.81)	2.55
Route 32, Texas Eagle	149	22.4	22.4	60.7	(38.4)	(258.25)	2.72
Route 33, Sunset Limited	110	17.7	17.7	56.1	(38.3)	(347.45)	3.16
Route 34, Coast Starlight	494	41.2	41.2	87.1	(45.9)	(92.98)	2.11
Route 45, Lake Shore Limited	293	30.6	30.6	72.4	(41.9)	(142.65)	2.37
Route 48, Silver Palm	219	28.3	28.3	57.0	(28.7)	(131.31)	2.01
Route 52, Crescent	265	30.8	30.8	65.8	(35.0)	(132.37)	2.14
Route 54, Kentucky Cardinal ¹	29	1.4	1.4	7.6	(6.2)	(211.65)	5.39
Route 57, Pennsylvanian	90	9.2	9.2	35.4	(26.3)	(292.34)	3.87
Route 63, Auto Train	214	54.6	54.6	66.4	(11.8)	(54.96)	1.22
Route 66, Carolinian	242	13.5	16.2	20.2	(4.0)	(16.37)	1.24
Totals, Long-Distance Trains	4,190.0	547.5	550.2	1,131.4	(581.2)	(138.71)	2.06
Grand Total, All Trains	23,335.7	1,374.0	1,497.1	2,269.3	(772.2)	(33.09)	1.52

¹ Kentucky Cardinal classified as a long-distance train because it is an overnight train with sleeping accommodations.

Source: Amtrak; excludes special trains and \$4.3 million in unallocated labor expense.

Mr. SESSIONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I rise to support the gentleman's amendment. I believe it is a common sense amendment. Amtrak says that with the allocation we have for them in this bill, they cannot operate at their current level. It is only common sense that they should look at the routes where they lose the most money, routes that cost them to run that do not have local support and do not have State support sufficient to justify the operation. That would enable them to focus their operations on the areas of the country where things make more sense. So I certainly support the gentleman's amendment, and I appreciate his offering it.

Mr. SESSIONS. Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. This amendment would eliminate from the present list of roughly 40 routes that Amtrak operates 16 of these routes, including such routes as Chicago to St. Louis and Chicago to Pontiac, which are two of the key routes within the Chicago hub system, routes which, interestingly enough, are part of a hub system, which has been much touted for in the long-term high-speed-rail development.

In fiscal year 2003, Amtrak did not initiate additional changes in its long distance routes because the individual long distance routes would not result in any significant savings, and no savings at all in the first several years. In the interim, severance costs would be very costly expenses, estimated up to a billion in the first year for taxpayers if one were to eliminate the long-distance routes.

I have not analyzed whether these routes are exactly the same routes, but there is a great deal of overlap between the routes that have been considered for long-distance elimination and to

what I have said applies, that there would be no savings in the short run; and, in fact, would have considerable severance costs involved.

The gentleman's amendment bans the use of States to subsidize these routes, routes like the Chicago to St. Louis and the Chicago to Pontiac or to Detroit, those represent part of a close-in system where urban areas are close to each other and which by every indication the President himself has been suggesting that these should be routes that ought to be supportable for operating purposes and for some capital purposes by the States, that they ought to be involved. This amendment, as I understand it, bans the uses of States to subsidize routes.

□ 1430

I do not know if we should be in the business of telling States how to spend their own money. The issue of long-distance trains, and how to deal with those, really is one for the authorization committee and not for the Appropriations Committee.

I urge a "no" vote on this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. This amendment is designed to eliminate virtually all of Amtrak's long-distance train operations. If enacted, it would mean the end to our national system of intercity rail passenger service. The nation would be left with an unconnected collection of corridor-type services and whole regions of the nation would lose access to this mode of travel.

The amendment calls for eliminating any passenger train route where operating expenses are twice operating revenues as determined by the Amtrak Reform Council in its Final Report. At first blush, this might not seem all that unreasonable. The reality is, however, that what this amendment would accomplish is highly unreasonable. The gentleman from Texas ignores the fact that hardly any passenger train service in the world comes close to covering its cost. Most rail transit operators, for example, would be thrilled to have a 50 percent cost recovery factor. Let's look at the impact of adopting this amendment.

Intercity rail passenger service between New York City and Chicago would be eliminated, as Amtrak would have to drop its Lake Shore and Three Rivers services. Service between Washington, D.C. and Chicago likewise would disappear with the termination of the Capitol Limited and Cardinal trains. There would be no more rail passenger service from the East Coast to Amtrak's hub in Chicago, as the Pennsylvanian service between Philadelphia and Chicago would also be eliminated.

Service between Chicago and San Francisco on the California Zephyr would be history. As a result, rail travel through some of the most scenic parts of North America would be no more. Gone, too, would be the fabled City of New Orleans, as all service between Chicago and New Orleans would have to cease. Service between Chicago and Los Angeles via St. Louis, Little Rock, Dallas, and San Antonio would end with the elimination of the Texas Eagle. Service between Florida and Los Angeles on the Sunset Limited through New Orleans and Houston would also be axed. Amtrak's popular and scenic train along the West Coast between Seattle and Los Angeles, the Coast Starlight, also would be cut, as would Amtrak's Crescent train between New Orleans and New York via Atlanta and Washington.

With the exception of Amtrak's Silver services between New York and Florida and the Southwest Chief from Chicago to Los Angeles via Arizona, there would be no rail passenger train service in the Southern half of the nation. In fact, the only other long distance train that would survive would be the Empire Builder between Chicago and Seattle.

And the cuts are not limited to Amtrak's long-distance train operations. Under the route elimination criterion established by this amendment, passenger train services between Chicago and Milwaukee, Chicago and St. Louis, and Chicago and Pontiac, Michigan, also would have to be discontinued. These are critically important components of the Midwest High-speed Rail Initiative. It makes no sense whatsoever to stop service today when these corridors are leading candidates for significant upgrades for high-speed service.

If this amendment were to pass, many of America's largest cities would be left without any intercity rail passenger service including: Birmingham, Alabama; Little Rock, Arkansas; Phoenix, Arizona; Denver, Colorado; Atlanta,

Georgia; New Orleans, Louisiana; Omaha, Nebraska; Reno, Nevada; Cincinnati, Cleveland, and Toledo, Ohio; Austin, Dallas, El Paso, Houston, and San Antonio, Texas; and Salt Lake City, Utah.

And to what purpose? If this amendment were to pass, little, if anything, would be saved. Moreover, once these routes were gone, the remaining services would have to share a greater part of the cost burden. Another round of cutbacks would be sure to follow. There is a cascading effect as the connecting revenues lost from these services affect the financial performance of the remaining trains.

It also should be clear that once these routes are eliminated, they will be gone forever. The nation's freight railroads will be quick to take steps to ensure that passenger train services will not be reinstated. The freight railroads have long only grudgingly accommodated Amtrak's operations.

The loss of the long-distance train affects many who rely on these trains for trips between online city pairs. It is true that relatively few people use the trains for transcontinental travel, but millions of riders each year use them to travel between places other than the terminal cities. This travel will be lost and we will lose forever the ability to develop these intra-route corridors.

Finally, the approach taken by the Amtrak Reform Council to measure the route losses, is, in itself, flawed. Amtrak and the Federal Railway Administration have developed a more accurate measure of train performance, which takes into account downstream effects of route eliminations. Mr. Chairman, I remind my colleagues that the Amtrak Reform Council repeatedly erred in both assumptions and facts in its reports. In fact, each year of the ARC's existence, the House cut the ARC's budget to indicate its overwhelming displeasure with the ARC's clear agenda to attack Amtrak.

Therefore, this amendment must be rejected. It arrives at the wrong solution through flawed analyses. We need positive approaches to rebuilding and expanding our nation's intercity rail passenger system. We need to find ways to give Amtrak President, David Gunn, and his staff the resources needed to correct the years of neglect from a lack of funding.

I urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

AMENDMENT OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HONDA:

At the end of the bill (before the short title), insert the following:

SEC. ____ For an additional amount for new fixed guideway systems under the heading "Federal Transit Administration—Capital Investment Grants" for the Silicon Valley, CA, Rapid Transit Corridor, and the amount otherwise provided under such heading for the San Francisco, CA, Muni Third Street Light Rail Project is hereby reduced by \$1,000,000.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

I offer a simple amendment that subtracts \$1 million from the San Francisco Muni Third Street Light Rail Project and adds that amount to the Silicon Valley Rapid Transit Corridor Project.

The Silicon Valley Rapid Transit Corridor Project is a meritorious project that deserves Federal funding. It will connect BART with the highly frequented Santa Clara County destinations, including Santa Clara County's light rail system, ACE rail system, Cal Train's San Jose Station, the planned people mover at the Norman Y. Mineta San Jose Airport, and thousands of Silicon Valley employers.

In addition, this project is the last link needed to complete the connection of all the region's rail systems around San Francisco Bay. Mr. Chairman, I am honored and thankful that the gentlewoman from California (Ms. PELOSI), the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) support this effort, and I urge my colleagues to support this amendment as well.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding. I would not claim the time in opposition because I do not oppose the amendment. As the gentleman indicated, I support it. I appreciate the Members that have worked together to transfer funds among some things that are all involved in the Bay Area of northern California and I know, as the gentleman and I have visited together about this, that there is a huge amount of local financial support that predominates far and away over any Federal funding anticipated.

I support the shifting of funds, and I appreciate the cooperation of Members toward this effort, knowing that it is all part of that interrelated Bay Area system as well.

Mr. HONDA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the Honda amendment?

Mr. HONDA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 157, insert the following after line 2: SEC. 742. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

The Flake-McGovern-Emerson-Delahunt amendment is very simple. It prohibits any funds in this bill from being used to enforce the regulations that restrict United States citizens from traveling to Cuba. Under current law, ordinary Americans cannot travel to Cuba unless they fit into narrowly defined categories and endure an arduous bureaucratic application and screening process.

In March of this year, while a sweeping crackdown in sentencing was going on in Cuba, the Office of Foreign Assets Control, under the direction of the State Department, eliminated the people-to-people category of travel licenses to Cuba. This is in direct opposition to the administration's stated intent to increase people-to-people contact with ordinary Cubans. My amendment would effectively end the travel ban and allow ordinary Americans to travel to Cuba and to take their ideals and values to ordinary Cubans.

This is an issue of freedom for Americans. Let me repeat that. This is an issue of freedom for Americans. We allow for freedom of travel to North Korea, to Iran, to Syria and to other countries where the human rights records are despicable and where animosity toward the U.S. is the basic foreign policy. Restricting travel to Cuba is not only ineffective, it curbs the basic American freedom to travel and to export American ideals and values.

This past March, the Castro regime carried out a sweeping crackdown on democracy and human rights activists, journalists, independent library operators and other dissidents who were exercising basic rights.

Following the roundup of more than 80 people, they were subjected to summary trials that flew in the face of justice and were sentenced to several years in the horrible Cuban prisons. These prison sentences carried terms of up to 28 years and, given the health of some of these individuals, they are in effect death sentences.

The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) introduced a resolution that was quickly brought to the floor after this crackdown. Several of my Cuba Working Group colleagues and myself eagerly supported the Diaz-Balart resolution and joined him at these podiums in condemning the Castro regime and again demanding the release of Cuban political prisoners.

The crackdown left many speculating about Castro's timing and his motives. Some expressed shock and utter disappointment, as if Castro had at some point turned away from being the oppressive dictator that he is. I do not think many of us were surprised because, sadly, Castro has been doing this kind of thing for over 40 years.

There is an old saying, Mr. Chairman, "if you want to keep getting what you're getting, just keep doing what you're doing." What we have been doing is isolating Cuba for more than 40 years. And what we have been getting is this kind of attitude from that regime. I do not think any of us ought to be surprised that Castro is not a reformed man. What we should not do is emulate Castro's heavy-handedness by curtailing the freedom of our own citizens.

Critics suggest that allowing Americans to travel to Cuba will provide the Castro regime with the financial resources it needs to sustain itself, but that regime has had enough resources to sustain itself for over 40 years, including beyond the post-Soviet era in which many predicted a sure demise within only months. That regime will sustain itself without American travelers going there, but ordinary Cubans will continue to be deprived of contact with Americans.

Whether we like it or not, Cuba's economic troubles will not lead to political instability. We should not base our policy on the hope that economic catastrophe will cause suffering, political unrest and ultimately political change. If we base our policy on this hope, we will be waiting a long, long time over and above the period that we have already waited. Instead, we ought to unleash the real source of American influence by allowing all Americans to travel freely to Cuba, just as Cuban-Americans are currently allowed to do.

In July of this year, 12 Cubans who fashioned a 1951 Chevy into a boat nearly made it to America, but they were sent back to Cuba after State Department officials reportedly negotiated 10-year prison terms with the Cuban government for these individuals. Upon returning to Cuba, I understand that six were promptly sentenced to these 10-year terms.

Keep in mind that this is our own State Department officials, the same ones who pore over applications for travel licenses and purport to know what is best for ordinary Americans who wish to travel to Cuba. Think about it. If you vote against this amendment, you are turning over your right as an American to travel to the same bureaucrats who do not have enough sense but to negotiate prison terms in Castro's jails for the Cubans it sends back to the island.

Under Democratic and Republican administrations, it has been a bedrock principle of American foreign policy that travel is a device that opens closed societies. American travelers are our best ambassadors. They carry the idea of freedom to people in Communist countries.

It is interesting to note that among the sentencing documents used by the Cuban government to consign nearly 80 political prisoners to jails in Cuba were written materials like Time Magazine, the Miami Herald, speeches by President Bush and other U.S. publications. These were considered subversive by the Castro regime.

Cubans want contact with Americans. Cuban dissidents regularly tell us that they oppose the travel ban because they believe that American travelers have a positive impact in Cuba.

It is time to listen to the Cuban people, and it is time to return to our basic American values. Americans deserve the freedom to travel to Cuba to see the island for themselves. I urge my colleagues to support the Flake-McGovern-Emerson-Delahunt amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 30 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the number one policy objective of the Cuban dictatorship is obtaining U.S. mass tourism and the billions of dollars it would generate for the dictatorship.

Travel to Cuba is now legal, but with a license for humanitarian, educational or journalistic reasons. But mass U.S. tourism is the dream, the number one goal, of the dictatorship.

The gentleman from Arizona and those who are pushing for this goal here in Congress say that Castro fears tourism. "Let's adopt a real get-tough policy toward Castro. Let's send him tourists and their dollars," they say. If Castro fears U.S. tourism and its billions of dollars, then why is obtaining U.S. tourism his number one objective? His views are very public about this goal. What did he have to say just 1 year ago when these amendments passed this House?

"The House of Representatives voted with determination and courage for

three amendments that bring glory to that institution. We shall always be grateful for that gesture."

That was the statement of the Cuban tyrant 1 year ago. To say that granting the dictator his number one policy goal is to get tough on the dictatorship, in my view, constitutes uncalled for cynicism.

We have an embargo against the Cuban dictatorship, Mr. Chairman, because it is in the national interest of the United States for there to be a transition to democracy in a country 90 miles from our shores.

It is in the U.S. national interest for there to be an end to a terrorist regime that has had the head of its Air Force indicted for murder 2 weeks ago, the head of its Navy indicted for drug trafficking, and which carries out aggressive espionage and infiltration operations on all branches of the U.S. Government, including this Congress, over 15 Cuban spies having been arrested in the last years alone, with dozens more having been expelled from the U.S. The FBI confirms that there is no more aggressive, hostile intelligence service in the United States than Castro's operation.

It is in the U.S. national interest for there to be an end to a regime that harbors hundreds of international terrorists and a large number of felony fugitives from the United States. And just as Europe told the dictatorships in Spain and Portugal in the 1970s that access to the European Economic Community, now the European Union, required democracy in those countries, and that requirement was fundamental to the democratic transitions in those countries once the dictator of 40 years, Franco, died in Spain and the dictator of even more time in power, Oliveira, died in Portugal, our policy of conditioning access to the U.S. market, including mass tourism, to the liberation of all political prisoners and concrete movement toward free elections in Cuba, in other words, retaining the embargo until the Cuban people free themselves from their chains, is absolutely fundamental.

It is in the U.S. national interest, Mr. Chairman, for there to be an end to a regime that has systematically attempted to derail and hamper U.S. intelligence efforts against international terrorism in the post-September 11 era, a regime that harbors countless international terrorists.

It is in the U.S. national interest for there to be an end to a regime that maintains a biological weapons program 90 miles from the shores of the United States.

In the last 6 months, yes, the Cuban people have witnessed the most brutal crackdown on courageous pro-democracy leaders and independent journalists, leaders like Marta Beatriz Roque and Dr. Oscar Elias Biscet and Jorge Luis Garcia Perez (Antunez), all of them who agree that it is fundamental that we maintain the U.S. embargo, including the travel restrictions.

As a consequence of this crackdown, the European Union has imposed travel restrictions and other sanctions on the dictatorship's henchmen. Important newspapers, such as the Los Angeles Times, have changed their prior positions on sanctions.

For example, the Los Angeles Times wrote, "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes. Fidel Castro has thrown up a roadblock that cannot be ignored. He sicced his political police on about 90 independent journalists, political dissidents and union activists."

Before Congress even thinks about loosening restrictions, it should demand that Castro free those rounded up and demonstrate that his nation is moving toward democracy and away from totalitarianism."

□ 1445

That change of position by the Los Angeles Times was a call to conscience.

None of the political prisoners, either of the recent ones or those serving decades in the torture gulag, have been freed. Over a dozen are known to have begun hunger strikes to protest the inhumanity of their captivity. Some are near death.

What this moment calls for, Mr. Chairman, is for this Congress to bring glory to itself, but not by spending more dollars to the Cuban tyrant. No. Not a tyrant's kind of glory. But to insist on the release of all political prisoners and on concrete steps toward free elections before a single additional dollar is sent to the enslaved island.

That is the glory that this moment requires, the glory characteristic of the American people, liberator of oppressed nations and their sovereign free institution, this people's House, not the glory of a tyrant like the quote that we looked at before, a tyrant who dispatches his goons to terrorize and imprison unarmed men and women and who sends those who dare to dream of freedom to the firing squad after farcical sham trials.

Mr. Chairman, I thank President Bush for his veto threat regarding these uncalled-for amendments, but I ask my colleagues here to not make it necessary for the President to carry out his threat. I ask my colleagues to defeat these sad amendments.

Mr. FLAKE. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Flake-McGovern-Emerson-Delahunt amendment to limit funding for the enforcement of the travel ban to Cuba. This amendment is offered on behalf of the 52-member bipartisan Cuba Working Group.

For 40 years, U.S. Cuba policy has violated the right of every American to travel freely. While Americans may travel to Vietnam, to China, and even

to North Korea, they may not legally travel to Cuba.

For 40 years, the American people have been told that the sanctions against travel to Cuba, like other economic sanctions, will bring human rights and democracy to Cuba and the downfall of the Castro regime. This policy has failed, and it has failed miserably.

Currently, Cuba and the United States are engaged in a dangerous spiral of escalation and recrimination. The Cubans engage in a cruel crackdown against dissent on the island. The United States tightens the restrictions on travel and eliminates people-to-people educational and cultural exchanges.

At the very moment when the Cuban Government was trying to break the spirit of Cubans who dare to think differently, the United States Government restricted even further the exposure of Cubans to individuals and groups who could provide alternative information and provoke discussion, the American people. We need a better, more rational, more mature approach.

Mr. Chairman, Americans are a pragmatic and practical people. We like things that work, that do the job, that deliver results.

After 40 years of a failed policy on Cuba, it is long past time to try something else. If this policy was going to work, it would have worked by now. I believe that ending the ban on travel is one of the best steps we can take. I believe the Cuban people can benefit from more contact, not less, with the American people. Now is the time to invade Cuba with doctors and writers, teachers, students, business leaders, bicyclists, grandmothers, activists and more. They are, indeed, our very best ambassadors.

I agree with Human Rights Watch and Amnesty International that the 40-plus years of a U.S. policy of isolation has not contributed to the betterment of human rights in Cuba and, in many respects, has had a negative impact on human rights and that the travel ban should end.

I agree with the vast majority of dissidents living on the island, including Vladimiro Roca, president of the Cuban Social Democratic Party, and Oswaldo Paya, leader of the democratic reform movement known as the Varela Project, who have expressed their full support for an end on the ban on travel by Americans to Cuba.

I agree with independent journalist Miriam Leiva, wife of imprisoned dissident Oscar Espinosa Chepe, when she wrote to President Bush this May declaring: "The visits of hundreds of thousands of North Americans to Cuba could contribute to the exchange of ideas and the progress of democracy."

This amendment represents the bipartisan majority of this Congress and the majority view of the American people. It represents the mainstream view in this country.

For 3 consecutive years, this House has voted overwhelmingly to lift the

ban on travel, only to have a small group of Members undermine the will of the House in conference committee. I would say to the leadership of this House, do not just talk about democracy; respect democracy. Respect the will of this House. Respect the Members of the greatest deliberative body in the world. Do not hide behind closed doors and secret negotiations. Do not hide behind rhetoric that questions the integrity of those who disagree with you.

The current policy has failed. It is time to take a new approach. Support the freedom of Americans to travel, support Cubans who want to interact and meet with Americans, support the bipartisan amendment to end the travel ban on Cuba.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I am honored to yield 6 minutes to my distinguished friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my friend from Florida for yielding me time.

Mr. Chairman, it is unconscionable that after the recent arrest and the sentencing of close to 80 dissident human right activists and opposition leaders by the Castro regime, that we would be here seeking to reward the dictatorship for its deplorable action, because, make no mistake, that is what this amendment seeks to do. It is going to provide it with much needed currency to continue this reign of terror.

It defies all understanding that as the most recent prisoners of conscience languish in squalid cells, devoid of any light, malnourished, denied medical attention, the response of the United States Congress to this would be to bestow to this pariah state another victory.

In the past, as we heard from the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the Castro dictatorship, Fidel Castro himself, has publicly thanked the U.S. House of Representatives for passing this amendment.

I wonder if Hector Raul Valle Hernandez, a political prisoner at Guantanamo, would be as understanding. Hector languishes in a tiny, dark, squalid isolation cell. He is malnourished. He is given contaminated water. As a result, he has an increasing number of parasites in his system and is denied any medical treatment. Since his arrest of March of this year, he has lost over 40 pounds. However, he does not succumb to this torture. He remains true to his principles and beliefs. Would he be as understanding about this vote?

Like Hector, we have Marta Beatriz Roque, Oscar Espinosa Chepe, Victor Rolando Arroyo, Hector Palacios, Omar Pernet Hernandez, Juan Carlos Gonzalez Leyva, and scores of other political prisoners, like Antunez, Jorge Luis Garcia Perez, and Dr. Oscar Elias Biscet, who truly deserves the Nobel Peace Prize.

Their bodies are weak, they are rapidly deteriorating; but their courage, their spirit, their commitment to a free Cuba from its enslavement is stronger than ever. What message would we be sending to these brave souls about our own commitment to their freedom?

What about our brothers and sisters just 90 miles away? Do they not bleed when they are stricken? Do they not cry out? Are they not entitled to freedom and democracy? Are they not entitled to security?

Even the European Union is realizing that its economic entanglements with Castro are not sound. In June of this year, the EU began restricting its contact with the dictatorship, citing deep concerns "about its flagrant violations of human rights and of fundamental freedoms of members of the Cuban opposition and of independent journalists."

Just last week, the Italian foreign minister, whose country, Italy, holds the EU presidency, stated, "We have to say that the Cuban Government has not taken a single positive step to meet the goals that Europe has set and in fact the situation of human rights has worsened yet further."

After years of unrestricted travel by these European tourists and officials, all of them from EU countries, countries with rich democratic traditions, has the situation of human rights in Cuba improved? No. They even say it has worsened.

So this leaves one to question the arguments raised by the proponents of this amendment about exporting democracy. Let us look at recent examples.

Georgetown University is planning an educational trip to Cuba. It cites as one of its stops El Valle de Vinales. El Valle de Vinales is a lush and beautiful valley, an environmental paradise. Not many Cubans living there. It is a wonderful tourist stop. How will being in this tourist stop help democracy grow in Cuba?

Then they highlight a tour of Old Havana and a tour of Cuba's Revolutionary Museum. Exactly to whom would the participants be exporting democracy in these visits?

And there is also a case of a delegation which traveled to Cuba just a few weeks ago. They received a license from OFAC to attend a religious retreat. It turns out that several of them were participating in a golf tournament. That was exporting democracy? OFAC is investigating this further.

Particularly revealing is the fact that when Members of Congress, certain Members of Congress, seek to travel to Cuba in order to visit political prisoners in their jail cells, rather than to meet with the dictator and his cronies, they are denied visas by the regime.

Just ask our colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr.

SMITH), Members who have made their reputation defending human rights and holding dictators accountable for their actions. One more than one occasion, they have tried to travel to Cuba with the expressed and limited purpose of engaging the peaceful and democratic pro-democracy forces within the island. But the regime has not allowed them to travel to Cuba.

Proponents of this amendment have also recently argued that it is needed by certain sectors of the U.S. economy which have been seriously affected by the terrorist attacks of September 11. My response to that is if we wanted to help the tourism industry, come to my district. Come visit Key West, come visit Miami Beach.

Also, we are talking about much-needed currency to a state sponsor of terrorism. We are engaged in an international war against terrorism. Cuba is engaged in a joint venture with the Iranian regime, having built a complex on the outskirts of Tehran to work on biological technology. The regime needs money to keep this program going. This amendment will help the regime get those funds.

The Cuban regime is also working in concert with other pariah states like Libya and Syria on what it terms "scientific cooperation." Thus this amendment runs contrary to President Bush's commitment to deny terrorists the financing to carry out the attacks against the Americans and our American interests and allies. I ask our colleagues to reject this amendment, which will help Fidel Castro.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, through you to my colleagues, it has been 43 years that we have had this embargo with Cuba. It has not worked. It seems to me we should do one of two things: we should either make the pain greater for the Cuban people, as we so with the embargo, or we should make some changes to improve communications.

How do we make those kind of changes? One change that I think of is perestroika in Russia. In the late 80s, when more open communication was started, when the Russian people started learning about what America was and what we were doing, we saw the beginning of change in Russia.

How can we better communicate with the Cuban people? I was down in Cuba about a year and a half ago, and most people of Cuba that I talked to do not seem to really know what America is all about, what the free market and free enterprise and liberty is all about. Of course, because under Castro they have not had it.

I think it should be clear that none of us support Castro. None of us disagree that Castro is bad. None of us disagree it would be good to have Castro out of the way. The question is, how do we do something better than what we have done for the last 43 years?

We talk about some of the prisoners, saying, keep up the pain and keep your embargo going. I would quote one of the prisoners, Espenosa Chapa, who said, "The policy of isolating Cuba, far from bringing freedom, has only served to give the regime an alibi that the embargo is the cause of all the ills the country suffers, and it has kept Cuban society away from a greater flow of democratic ideas and values."

The current ban on travel is only one element of the embargo. Mr. Chairman, I would say it is somewhat akin to increased free trade worldwide where there is freer interaction and more open communication.

So I just call on my colleagues, do not go along with the status quo. Let us make a change, because the last 43 years have not accomplished the goals that we want to accomplish. Support the Flake amendment.

□ 1500

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I have said in the past, doing business with Cuba means doing business with Castro. So long as Castro maintains his stranglehold on every aspect of Cuban life, lifting any aspect of the embargo or allowing Americans to travel to Cuba could mean subsidizing Castro.

Most Cuban tourist operations and resorts are owned and operated by fronts for the Cuban military and internal security services. These so-called "companies" funnel money directly into Castro's military, earning the regime the hard currency it needs to perpetrate its oppressive policies. Is that where Americans should be spending their money?

Castro has come to rely almost solely on his income from tourism; formerly profitable industries like sugar now only represent a small amount of the island's income. Proponents of travel will lead you to believe that if only Americans were allowed to travel to the island, then the Cuban people would realize the great freedoms they are missing and rise up and demand political and humanitarian reforms from their leaders.

But, Mr. Chairman, the people of Cuba are not ignorant. Most speak regularly with their families here in the U.S. and they are fully aware of their lack of freedom and opportunities. In fact, the people of Cuba have risen up in protest to their government, only to have Castro throw over 80 nonviolent opposition leaders behind bars, sentencing many of them to life sentences in subhuman conditions in Castro's jails.

Tourist travel to Cuba will not increase purposeful contact with the Cuban people. Europeans and Canadians have been traveling to Cuba for years and clearly they have had no positive effect on Cuba's leaders or political machine.

By lifting these sanctions with nothing in exchange from the Cuban government, we are betraying the very people these policies were designed to help. I urge my colleagues to join with me and oppose any amendments that lift travel restrictions or lift the embargo and to remain committed to their support of the Cuban people.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a man who has worked tirelessly on this issue for years.

Mr. DELAHUNT. Mr. Chairman, let me respond to the gentleman from Florida for 1 minute regarding his observation that this was Castro's priority. I do not necessarily believe the words of Fidel Castro. I honestly wonder if this crackdown that we all condemn was a canard to continue the policy of the Castro government to use the ban on travel and the economic embargo as an opportunity to sustain the government and the regime in power. But, as others have indicated, 40 years, more than 40 years and counting of a failed policy that has brought about no change in Cuba. That cannot be denied.

The magnitude of the failure of this policy is so colossal that it is inconceivable that we continue to pursue it. Because while it has not benefited the Cuban people, it has also diminished American freedoms. As the former Supreme Court Justice William Douglas once said, and I am quoting, "Freedom of movement is the very essence of our free society, setting us apart. It often makes all other rights meaningful."

Imagine travel police who tell you where you can go and how much you can spend when you are there, even if you simply want to scatter the ashes of a beloved parent like one American citizen did. That does not sound like America travel police, but it is. That is the reality. We have our own travel police. It is called the Office of Foreign Asset Control, or OFAC. They decide who will go to Cuba and who does not. They insist that you account to them what you did there when you arrived and what you spent. If they do not believe you, they can punish you. They have even threatened to garnish Social Security benefits from one individual.

We should all be offended as Americans by this policy.

So yes, this debate today is about democracy. It is all about democracy; our democracy as well as democracy in Cuba.

This amendment would end this affront to American liberty and American rights. What makes the curtailment of this freedom of Americans so particularly repugnant is the hypocrisy of the policy. For example, and others have alluded to it: Americans can travel today to Iran, to North Korea, the remaining members of the axis of evil club. And remember when Saddam Hussein was in power, you could go to Baghdad and use your American Express card. You cannot do it in Havana.

Those who would maintain the status quo and continue to deny Americans

the freedom to travel proclaim that all Cuba has to do is to conduct free and fair elections, legalize all political parties, allow freedom of the press and association, permit the existence of independent labor unions, and then, we will restore to Americans their freedom to travel. Those are worthy goals.

Well, if the rights of Americans to travel are predicated on these standards, then how about Egypt, a one-party State where elections are a sham, where political and religious dissent is repressed, and freedom of the press is restricted. But for Egypt, the penalty, the penalty is \$2 billion worth of American foreign aid every year.

What about Saudi Arabia, one of the most repressive regimes on earth according to our own State Department, where women can not drive, and where American soldiers could not practice their religion openly on Saudi soil.

Well, I have seen women driving in Cuba, and I have attended mass in Havana with Cuban dissidents. And 15 of the terrorists who attacked the United States on September 11 were from Saudi Arabia. There was not a Cuban among them. And yet, some of the most ardent proponents of the Cuba travel policy today vote for United States assistance to Saudi Arabia. Is it not time to end the hypocrisy? We ought not to be the land of the licensed, but the land of the free. Support the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, the first thing I want to do is to thank my good friend, the gentleman from Arizona (Mr. FLAKE), who really is a great freedom fighter and somebody I admire and respect a great deal. But I have a huge difference of opinion in terms of what promotes freedom, not just in our hemisphere, but throughout the world with respect to this specific issue.

One of the many arguments I have heard from the proponents of this amendment is that the Cuban citizens would be better off if they had American tourists. Arguably, Iraqi citizens would have been better off if we had a free flow of Iraqi oil throughout the world and the prosperity that that might have brought, but not if Saddam Hussein was using the profits to terrorize his own people and to export terrorism and totalitarianism elsewhere throughout the world.

That is precisely the predicament we are in. Fidel Castro, as long as he is alive and in charge in Cuba, will use every last dollar to terrorize his own people, to basically jail dissidents, to execute people that disagree with him, and to export terrorism throughout the world. He is the single last remnant of the 100-year terrorism that communism plagued upon our entire planet in the last century. Yet, he stands just 90 miles off of our shores in Florida where he put missiles aimed at the people of the United States less than 25 years ago.

I will tell my colleagues that when the lambs lay down with the lions, lambs get slaughtered, and the day to capitulate and to acquiesce and to acknowledge Castro as some reality that we have to put up with, condone, and even support with tourism dollars is not here and it will never be here, as long as those of us who truly believe that the way to freedom is to show up and stare down dictators, not cooperate with them.

I will tell you this one out is the last remnant of communism, totalitarianism, repression, and it is the original terrorist state. We need to stare down Castro and not succumb to his evil deeds.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I thank the gentleman from Arizona. I am also a proud member of the working group, the Cuban working group that was established almost 2 years ago, and I have to tell my colleagues, as someone from California, I am on the other side of the country, but I know that many in my district in Los Angeles and throughout California have had the chance to visit and also meet with people from Cuba. One of the things they tell me as a Congresswoman is that they would love to be able to go and spend more money there, to interact through educational programs, to visit different tourist sites there, but to engage with the people there.

On my visit there 2 years ago, I found it very striking that yes, indeed, the free market is working. It is working in Cuba. I visited a small restaurant where I sat with the family who owned their own restaurant. The money that we gave them in dollars was sufficient at the time. Maybe if we did more of that, they would be able to have a lot more, but we are not allowing for that. We need to lift the travel ban. Even in the State of California, where I served as a member of the Senate, our Senate members voted for a resolution to come to this House to say that we ought to lift the travel ban. By opening up our doors of education, culturally, and also economically, we have a lot to gain as well.

I had the opportunity to meet with other people from different countries in Cuba, from Canada and from Europe, and I saw that they are indeed taking advantage of helping to create a market base there, in different areas, and in agriculture, in the arts, and in the hotel and tourism industry. Why is not the United States, why cannot California engage in that by lifting this travel ban and allowing for the free flow of ideas and exchange, something that all of us here I think believe in.

When you say terrorism, I do not see that when I think about Cuba. I see hard-working people who want to be a part of our culture, the western civilization. I saw people wearing jeans, clothing that was reflective of people on our streets here in Washington,

D.C., and I think that they are earnestly looking for a lifting of this travel ban. I urge Members to do so.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from South Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I am actually amazed that we are even here discussing this issue. We are right now in the midst of a war against terrorism. Should we take steps that help fund anti-American terrorist states, particularly one that is just 90 miles away from the United States?

Mr. Chairman, right after 9-11 during the joint session of Congress, President Bush spoke to Congress and he said "Either you are with us or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime." And yet, we are discussing an amendment that would provide billions of dollars to a terrorist anti-American regime, just 90 miles away from the United States.

Mr. Chairman, I hear, well, but we do business with China. Mr. Chairman, there are seven nations on the list of terrorist countries: Iran, Libya, North Korea, Sudan, Syria, Iraq, I guess that one is no longer on the list, and Cuba, a terrorist, anti-American thug just 90 miles away from the United States. But yet I hear, well, but if he had money, if he only had money, he would change. He would be different. He would do really good things with the people of Cuba and also would become a friendly nation.

But, Mr. Chairman, what did Mr. Castro, that terrorist thug, do when he did have money, when the Soviet Union gave him the funds, the billions of dollars that now this amendment hopes to replace? What did he do? He had troops in Africa. He was helping terrorists in Africa. He had troops in Grenada, and the U.S. actually invaded Grenada to liberate those people and there were Cuban troops there, terrorist Cuban troops there supporting that Communist regime. He was helping to fight democracies in Latin America. He was funding troops throughout the world. That is what he did when he had money.

Those who say the embargo has not worked, it sure has worked for the interests of the United States of America, because that man is not doing what he was doing: exporting terrorism. Now, he is limited, he is limited. But this amendment wants to give him billions of dollars so he can do what he does best: terrorism, anti-American terrorist activities. This is amazing to me, Mr. Chairman, that we would be discussing it right now.

The gentleman from Massachusetts (Mr. DELAHUNT) said we cannot believe what Castro says. I do not believe, I would say to the gentleman, what Castro says. I believe his deeds. Yes, he

says that he wants to get rid of the embargo. Yes, he says that he wants to get rid of the travel ban. And yes, he congratulates the gentleman from Arizona (Mr. FLAKE) and others when he helped him in doing that. But his deeds also show that, Mr. Chairman.

Here, for example, he has sent out hundreds of thousands of flyers to travel agents, spending thousands and thousands of dollars on glitzy brochures saying, please get rid of the travel ban.

□ 1515

No, the record is clear. Let us not fund anti-American terrorist 90 miles away. Let us not fund a person who has said in Iran that he wants to get the United States to be on its knees. Let us not fund an enemy of the American people 90 miles away. Let us not support this amendment. Let us stand tall with the Cuban people who want to be free. Let us stand with the President of the United States in his war against international terrorism.

The way to do that is not by helping Castro, which is what this amendment will clearly do.

Mr. FLAKE. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 11 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 9½ minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Flake amendment which would prohibit funds in the underlying bill to enforce the current ban on travel to Cuba.

I believe it is the right of all Americans to be able to travel wherever they choose. It is unAmerican to prohibit our citizens from choosing where they want to travel.

And why? Why should we single out Cuba? We have a right to travel almost anywhere. This is clearly not about whether U.S. citizens should travel to an undemocratic or militarily repressive country. If that were true, then Americans would not be able to travel to countries such as China, Sudan, Syria, Iran, North Korea. And do you know what? Americans are able to travel freely to these countries. Yet, they are forbidden to travel to Cuba.

Thus, the real question is why do we continue to prohibit travel to Cuba? Why do we deny American citizens a right Cubans are denied in Cuba, to travel freely? Human rights activists Elizardo Sanchez and Vladimiro Roca have said it best, and I quote, "Just as we insist on the right of Cubans to travel, to leave and return to our country freely, a right now denied to us, so do we support the right of Americans to travel freely, including travel to Cuba."

The travel ban is an archaic part of our archaic foreign policy on Cuba. We are not defending the Cuban govern-

ment or its poor human rights record, especially in light of the most recent crackdown on its dissidents. We must always speak strongly against the abuse of human rights in this world and hold these repressive governments accountable.

But Cuban dissidents regularly tell us that they oppose the travel ban because they believe American travelers would have a positive impact on Cuba. Further, Human Rights Watch reports that the U.S. embargo has not only failed to bring about human rights improvements in Cuba, it has actually, and I quote, "become counter-productive to achieving this goal."

Current U.S. policy towards Cuba hurts the 11 million innocent Cuban men, women and children who could benefit from our travel, our new ideas, our steadfast belief in democratic ideals, freedoms and way of life. We will not advance rights to the Cuban people by embracing a policy of isolation that has failed for 40 years.

Further, the more we normalize relations with Cuba, the faster Fidel Castro will lose his grip on the Cuban people. It has worked in Vietnam. It has begun to work in China, and it can work in Cuba.

Mr. Chairman, I urge my colleagues to support this amendment. Our policies have failed, and this is the right thing to do for the Cuban people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), my good friend.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I just want to say to my colleagues, if you voted in favor of the Flake amendment in the past, I respectfully ask you today to reconsider your vote this year.

While I make no secret of the fact that I have opposed, and will continue to oppose, lifting the travel ban until all political prisoners are released and other modest human rights forums are initiated. Today is clearly not the time to be embracing an easement on travel.

The outrages of last spring, the brutal arrest, conviction and incarceration for up to 28 years of approximately 80 of Cuba's best and brightest and bravest is just the most the visible and the most recent act of hate and cruelty by Fidel Castro. For decades to come, these individuals, these reformers will now join approximately 400 other political prisoners in Cuba's infamous Gulags, which the U.S. State Department has described as "harsh and life threatening", where there is torture, physical and psychological. Don't get sick in one of those Gulags because if you do, you will likely not get medical treatment and your condition will be permitted to fester.

Just read the U.S. State Dept's Country Reports of Human Rights Practices for this year and see how horrific those conditions are. The treatment of political prisoners is a scandal.

Look at what the L.A. Times said recently, and I would quote them briefly. This is an editorial in the L.A. Times, "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes." Hit the brakes my colleagues. Do not liberalize and allow Castro to reep upwards of \$5 billion of profit—money that goes directly into Castro's coffers. We need to hit the brakes and at least say, not now.

Reference was made earlier about how the gentleman from Virginia (Mr. WOLF) and I tried to visit Cuba. We were turned down. We wanted to visit prisoners. We wanted to see Dr. Biscet and others and do what the International Committee of the Red Cross cannot do. As we know, the ICRC has been denied, repeatedly, access to prisoners. We tried to do it, and we were turned down. And what did Fidel Castro say in one of his speeches? Because we wanted to go into the prisons and assess the situation firsthand we were "provocateurs."

Mr. Chairman, the gentleman from Virginia (Mr. WOLF) and I have visited many political prisons around the world, from Perm Camp 35 in the Soviet Union, when it was the Soviet Union, to China, Beijing Prison Number 1, where convicts from Tiananmen Square were being mistreated. I have even gotten into prisons in Indonesia, and met with East Timoree leader Xanana Gusmao, and yet we cannot get into Cuba. Yet, some Members want to lift the travel ban. Lifting the ban now sends a clear message to those who are suffering from Castro's hate and abuse that we do not care.

I know this is not the maker of this amendment's intention, but that is the message nonetheless, and I hope Members will vote no on this amendment. Stand with the oppressed in Cuba, not the oppressor.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for yielding me time.

Let us face it. This is not a problem about Castro. This is a problem about us. We made this law. And this administration wants to enforce this law. This is not about Fidel Castro. This is about the present administration and Members of Congress.

It is very interesting that those who do not want to lift this ban are also exempt from it. Cuban-Americans, can travel freely back without our country's permission. And as Members of Congress, you can travel to Cuba, but you cannot do that as a regular American citizen.

What has this law done? Has it prevented Americans from going to Cuba? Absolutely not. It is estimated 100,000 Americans went to Cuba last year, 75 percent of them went illegally. Why are they going to Cuba? It is only 90 miles off our coast. That is probably why they are not going to Iraq and

North Korea and other places which the President identifies as the axis of evil, and our government does not ban you from going there.

They are also fascinated by the history Cuba played in the American Revolutionary War. They are fascinated by a country that wins music Emmys. They are fascinated by a country and culture that produces good rum and cigars, yet it is illegal for Americans to drink that rum or smoke those cigars. It is illegal for Americans to have fun. That is so un-American.

It is so un-American. It is so unpatriotic. It is so unenforceable. What are we going to do? Put everybody who went down there to ride bicycles, to dance, to drink mojitos in jail? That is not what our country can do. We cannot enforce this law. And to say that nobody can travel there, and when they will go illegally you will stop that, what you are doing is stopping the legitimate travel of educators, of doctors, of people in professions that want to go to try to upgrade humanity.

Human rights organizations are certainly going to know more about the abuses in Cuba by sending people who are interested in human rights as good ambassadors. The law now does not allow that to happen.

This is a good amendment. I thank the gentleman from Arizona (Mr. FLAKE) for introducing it, and I urge that all of us pass this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. MENENDEZ), my good friend.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I rise to strongly oppose the Flake amendment. I would like to make a series of points in response to some of what I have heard.

First, what the gentleman from Arizona (Mr. FLAKE) does is, in essence, invite lawlessness. It says that we will prohibit the Treasury Department from doing what the law says. It does not undo the law. It, in essence, prohibits the Treasury Department from enforcing the law. So this Congress would promote lawlessness.

Yes, it is illegal to travel to Cuba under certain circumstances, but we will look the other way. We will not allow that element of law enforcement within the Treasury Department to enforce our laws. What a slippery slope that is when we begin a process that says the law is the law, but we are not going to allow it to be enforced. What a slippery process that is.

To my dear friends who talk about the Soviet Union and how they fell because we went over there, the reality is the Soviet Union fell because they could not keep up with the arms race with the United States, and they decided internally on Glasnost and Perestroika. And when they unleashed those forces of opening, then the people of what was the Soviet Union began to

move. But that crumbling began with from within, not from without.

I hear about failed policy, let me tell you about a failed policy. The failed policy is millions of visitors, millions upon millions of visitors from Canada and Mexico and Spain and other part of Europe and Latin America in the last decade and what has happened? Not one positive action towards democracy and human rights has taken place. That to me is a failed policy. It is a failed policy when prostitution flourishes inside of Cuba so that foreign tourists can take advantage of Cuban women. That to me is a failed policy.

It is a failed policy when we believe that by having millions of Americans go to Cuba and sun themselves on the beaches of Varadero, smoking a Cuban cigar, and sipping Cuban rum is the way in which we are going to liberate the Cuban people. What is incredible to me is the deafening silence of those who advocate these amendments, but when repression takes place in Cuba, they are virtually silent, and their silence is deafening.

I say that a vote for this amendment, particularly at this time, flies in the face of all of those who languish inside of Cuba who risked their liberty and their lives to make change within their country.

A vote to support this amendment is a vote to fund the Cuban economy and Cuban tyranny. A vote to support this amendment is a vote to support a regime that executed three men by firing squad after closed-door summary trials. A vote for this amendment is a vote to continue to fund the regime that brutally arrested and jailed over 75 activists this spring for doing nothing more than demanding human rights for their people.

A vote for this amendment is to say to those who languish in Castro's jails, we will go visit the beaches of Cuba, we will smoke the cigars that were mentioned here, but you will continue to languish in Castro's jail.

The Cuban government sentenced many of these innocent dissidents to 14 to 27 years in Cuban jails after holding one-day, closed-door summary trials. Our answer to that is, let us have a grand old time on Varadero Beach. That is our answer to all those who languish.

A vote to support this amendment is a vote to support the jailing of these activists who suffer without clean water, edible food, sanitary conditions and who languish in Castro's jails.

The tales emerging from their prison cells include allegations of beating, psychological torture, solitary confinement in jail cells infested with rats and scorpions.

□ 1530

The prison conditions are so deplorable that 15 Cuban dissidents who were jailed in the crackdown started a hunger strike to protest the inhuman conditions. In a letter explaining the protest, family members said that the

prison conditions had led them, the prisoners, to make the terrible decision to declare themselves on a hunger strike that compromises their health and, in many cases, even their lives.

So let us recall Raul Rivero, Miriam Leiva, Gisella Delgado and others that, in fact, their suffering and their languishing in those jails are responded to by us having more tourism.

Vote against this amendment. Vote against such an infamy and let us begin to speak up for those people who are risking their lives and liberty.

TRAVEL BAN AMENDMENT

To prohibit the use of funds to enforce the ban on travel to Cuba by U.S. Citizens.

Congress has already passed the law that supports the travel ban. This amendment would only create sloppy legislation. The amendment doesn't change the underlying law. Instead, the amendment would prevent Treasury from supporting the existing law.

The belief that Americans can change Castro through tourism flies in the face of evidence that millions of visitors from Canada, Mexico, Spain and other parts of Europe and Latin America visited Cuba in the last decade, without impacting one iota of positive change toward democracy and human rights.

Cuba Travel restrictions are constitutional, according to the Supreme Court [Regan vs. Wald 1984]. Other courts: the 9th Circuit 1996, and the 11th Cir. 2000, agreed.

Cuba has been on the list of state-sponsored terrorism since 1982 and remains on the list for supporting Foreign Terrorist Organizations, for providing safe haven to U.S. designated foreign terrorist organizations including the ELN and the FARC from Colombia. Cuba also continues to harbor fugitives from the U.S. justice system.

Due to the end of Soviet Subsidies and his disastrous economic policies, Castro is bankrupt. His lack of cash restricts his ability to engage or support anti-American actions around the world. Castro has used American tourist dollars to take the place of Soviet payments.

The money obtained from tourism is not invested to benefit the Cuban people. It is invested to reinforce a state security apparatus that is used in developing a tourism infrastructure which only benefits the government.

The tourism infrastructure doesn't benefit average Cubans. Instead, Castro sets aside hotels, beaches, stores, restaurants, even hospitals for foreigners, prohibiting Cubans from staying in those hotels and patronizing those facilities. American tourism under current conditions would freeze in place Castro's tourist apartheid.

The infusion of U.S. tourist dollars will provide the regime with a lifeline. Lifting the travel ban without securing meaningful changes in Cuba will: (1) Guarantees the continuation of the current totalitarian structures, and (2) Strengthen Castro's security forces.

AMENDMENT TO END THE EMBARGO

Why would members of Congress even suggest ending the embargo at a time when we are seeing the worst wave of repression in Cuba since right after the Revolution? The State Department calls this new wave "the most despicable act of political repression in the Americas in a decade."

A vote to support this amendment is a vote to fund the Cuban economy and Cuban tyranny.

A vote to support this amendment is a vote to support a regime that executed three men by firing squad, after closed door summary trials.

A vote to support this amendment is a vote to support a brutal government which arrested and jailed over 75 activists this spring for doing nothing more than demanding human rights for their people.

A vote to support this amendment is a vote to support this massive crackdown and Cuban style justice, or more accurately, injustice. The Cuban government sentenced these innocent dissidents to 14 to 27 years in Cuban jails after holding one-day, closed door, summary trials.

A vote to support this amendment is a vote to support the jailing of these activists who suffer without clean water, edible food, and sanitary conditions and who languish in Castro's jail. The tales emerging from their prison cells include allegations of beatings, psychological torture, solitary confinement and jail cells infested with rats and scorpions.

The prison conditions are so deplorable that 15 Cuban dissidents, who were jailed in the crackdown, have started a hunger strike to protest the inhuman conditions. In a letter explaining the protest, family members said that the prison conditions, "have led them (the prisoners) to make the terrible decision to declare themselves on a hunger strike, which compromises their health and even their lives." While the names of the dissidents on the hunger strike have not been published, the letter in support of the strike was signed by the wife of poet and dissident journalist Raul Rivero (sentenced to 20 years in jail), Miriam Leiva, wife of economist Oscar Espinosa Chepe (sentenced to 20 years in jail), and Gisella Delgado, the wife of activist Hector Palacios (sentenced to 25 years in jail).

A vote to support this amendment is a vote to support the government that has jailed Oscar Manuel Espinosa Chepe. Mr. Chepe, a Cuban economist and independent journalist, was sentenced to 20 years in jail for criticizing the Cuban government. At age 62 Mr. Chepe, according to the Lawyers' Committee for Human Rights, is suffering from a chronic kidney condition, a thoracic hernia, persistent hypertension, and severe weight loss. The Cuban government refused to provide him with medical treatment. Only when he was near death and only after intense international pressure, was he transferred to a hospital.

A vote to support this amendment is a vote to allow funds to flow to the government that jailed Oscar Elias Biscet. Dr. Biscet founded the Lawton Foundation for Human Rights, one of the first independent civic groups in Havana. On February 27, 1999 he was arrested for hanging the national flag sideways at a press conference and was sentenced to three years in jail. After his release, he organized seminars on the Universal Declaration of Human Rights for Cubans. And he was arrested again in December of 2002 for organizing these seminars. In April of this year he was sentenced to 25 years in jail and sent to a special state prison.

A vote to support this amendment is a vote to support the jailing of Marta Beatriz Roque Cabello. She is an economist and director of the Cuban Institute of Independent Economists and is the only woman who was detained. She is the recipient of the 2002 Heinz R. Pagels Human Rights of Scientists Award

of the New York Academy of Sciences. In April, she was sentenced to 20 years in jail for her opposition work. She is in acute pain, has nausea attacks and the left part of her body has become numb, according to the opposition news agency CUBANET. In spite of her pain, she must sit on a stool throughout the day since prisoners are not allowed to stay in bed during the daytime.

I'll say again, a vote to support this amendment is a vote to support the tyranny and brutality of the Cuban government. The embargo is our strongest weapon against the Castro regime. Vote, "no" to this amendment. Show the men and women who suffer in Cuban jails for the right to freedom that we stand with them in their fight for human rights, justice, and a county free of dictatorship.

Mr. FLAKE. Mr. Chairman, I yield myself 5 minutes.

I just heard that those who support this amendment were silent when Castro jailed over 80 dissidents in Cuba just months ago. I would remind the gentleman from New Jersey that the same individuals who are here in support of this amendment came to the floor and argued on behalf of the Diaz-Balart amendment condemning Castro for this action. So we have stood firm, the Cuba Working Group, and others who support this amendment against the atrocities that have happened there.

I also wanted to respond to whether or not this is a good use of taxpayer dollars to actually use these dollars to enforce the travel ban as opposed to actually wage the war on terrorism.

The Office of Foreign Assets Control at the Treasury Department currently spends between 10 and 20 percent of its resources actually enforcing the Cuba travel ban. This is the office charged with the task of tracking down al Qaeda money, to actually shutting down the international war on terrorism, the financial war; yet they are spending over 10 percent of its resources tracking down, in essence, grandmothers from Iowa who are going on a biking trip to Cuba or the gentleman from Washington who spent less than 24 hours in Cuba to scatter his parents' ashes at the churches they built in the 1950s. The man returned home to a fine, enforced by the Office of Foreign Assets Control.

I would submit that if we are serious about the war on terrorism then we will stop this charade of actually limiting Americans' ability to travel.

Let us stipulate that Fidel Castro is a bad guy. He is a horrible guy, he is a thug. I have said it many times from this podium; but our hatred for Castro should not cause us to punch ourselves in the face, and that is what we are doing in essence here, by imposing upon the American people a ban on their right to travel. We simply should not do that.

It has been mentioned through here that some of the dissidents actually support what we are doing and with regard to travel. I should note here that many do not. In fact, I would submit that a majority do not. As Oswaldo

Paya has mentioned, the leader of the Varela Project and leading democracy activist said, we appeal to all foreigners who come to our country as tourists to show solidarity, to take part in demonstrations to support the opening up of Cuba.

Members have mentioned that some people go to Cuba just to lay on the beaches of Varadero. This is certainly true. Some of them, however, go down to protest or some go down to take books to independent libraries. We do not know who is going to. We should not pretend that we know, and for us to pretend that we do makes us look like Fidel Castro. Let him do this.

It is often submitted that if we lift this travel ban that surely Fidel Castro will impose his own. I have no doubt that he will, that he will try to limit those who are coming down to Cuba. He will try to determine who is a sun-bather and who is a protestor. That is a policy befitting of Fidel Castro. It is not a policy befitting of this great country.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to point out that I find it somewhat ironic that when we speak of the wives of Oscar Chepe and Hector Palacios, prominent leaders in the dissident movement in Cuba who are currently incarcerated in Cuban jails, for whom my colleague and I and members of the Cuba Working Group have advocated strenuously for their release and will continue to do so, that when references to their spouses are made, it is left to be suggested that they support the ban on travel, when the contrary is true.

Let me quote from Miriam Leiva, the wife of Oscar Espinosa Chepe: "The visits of hundreds of thousands of North Americans to Cuba could contribute to the exchange of ideas and the progress of democracy." I know we all share that. Let us support this.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Just a few points to clarify. Let us be clear, to remind our colleagues, for example, of who Dr. Oscar Elias Biscet is. There is no one more respected in Cuba today than Dr. Biscet. Dr. Biscet, because he is so respected by the Cuban people, has been sentenced to 25 years in the gulag. Dr. Biscet says that it would be unconscionable to lift the embargo, to alleviate the embargo in any way and to send the resources to the dictatorship.

This young man Antunez is serving 18 years because ever since he has been in high school he has been fighting for democracy in Cuba, and he says it would be unconscionable to send resources to the dictatorship.

Let us be clear and on and on, Marta Beatriz Roque, the leaders who rep-

resent the Cuban people, who are in prison, do not want resources sent.

The gentleman from Arizona (Mr. FLAKE), who keeps on saying that he knows that the dictator is a bad guy but he keeps on introducing amendments that would have the effect of sending billions of dollars to the dictator, has said this time that the dictator, and others have said, that he should not be believed, the dictator should not be believed when he says, yes, I want billions of dollars, I want billions of dollars. Imagine if the Flake theory would hold and every enemy of the United States now received billions of dollars from the United States because they are enemies of the United States and they cannot be believed because since they are really enemies of the United States, but we cannot believe enemies of the United States, it is good to send them billions of dollars. Imagine that theory.

Imagine that theory. That is the Flake theory and of the United States, billions of dollars. Do not believe enemies of the United States, billions of dollars. Let us vote down this amendment; and let us stand with the people in the Cuban prisons, and let us vote to support the sanctions until there are free elections in Cuba, Mr. Chairman.

Mr. FLAKE. Mr. Chairman, has all time expired for the other side?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 2 minutes remaining, and the time of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has expired.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of the time.

I appreciate the comments from the other side. I would maintain that none of us really know when Fidel Castro is telling the truth and when he is not.

I do not think that we should pretend that we do. I do not think we should even try. Therefore, we simply ought to adopt a policy that is right and consistent with our objectives. That is what ending the travel ban is all about. It is doing what is good policy regardless of whether we think Fidel Castro supports it or whether he does not.

I should mention there are others that have called for an end to the travel ban, other dissidents. Oscar Espinosa Chepe has been cited here a couple of times. This is a man I met just weeks before he was imprisoned in what for him may be a life sentence. He said, "When the travel of Americans to Cuba is approved, the struggle for democracy and freedom will by no means end. To the contrary, these measures create better conditions to achieve these objectives."

That is what we are trying to do here. We are trying to comport with the wishes of the dissident community in Cuba and to do what is right for us as well, to lift the ban on Americans to travel.

We need today to strike a blow for freedom. We can do that by allowing Americans to travel freely as they wish.

If it is freedom that we want for the Cuban people, let us start by exercising a little more of it ourselves by allowing our citizens to travel to Cuba and to take their values with them.

Mr. FARR. Mr. Chairman, I rise today in strong support of the Flake amendment regarding the Treasury Department's limitation of the right of Americans to travel.

This amendment is based on a core principle—that the policy of limiting the right of ordinary Americans to travel to Cuba, is an infringement of all Americans' right to travel anywhere they want at any time they choose.

Nevermind that the U.S. Cuba policy has been an outright failure for the last forty years. Nevermind that the travel ban prevents American businesses from creating jobs in Cuba and the United States, that it prevents Americans from sharing their best ideas and ideals with a close neighbor; and it does nothing to advance the cause of freedom and social justice.

The travel ban runs counter to the core Constitutional concept that the American right to travel is an absolute and non-negotiable right, a reflection of the free and open nature of our society.

If you believe in our constitutional rights, if you believe in the power of travel and trade, if you believe our citizens are the best ambassadors of American values, and if you agree with President Bush that engagement is the engine of liberty—then we need to pass this amendment legislation to legalize travel by Americans to Cuba.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Flake Amendment to end the unnecessary and counterproductive ban on travel to Cuba, and I want to recognize and applaud both Mr. FLAKE and Mr. DELAHUNT for their outstanding leadership on this issue and the agenda of the House Cuba Working Group. In fact, I am a proud sponsor of H.R. 2071, the Working Group's Export Freedom to Cuba Act, which would accomplish the same objective as this amendment, and would allow travel between the United States and Cuba. I have long supported normalizing relations with Cuba and frankly, Mr. Chairman, find it embarrassing that our policy has remained unchanged and stagnant in the 26 years since I first got involved in efforts to normalize relations. I wonder when the Administration will realize that November 9, 2003 marks 14 years since the end of the Cold War.

Americans do not need a license to travel half-way around the world to North Korea, Iraq and Iran, but the "dangerous" island nation of Cuba 90 miles off the coast of Florida requires stricter regulation. This policy seems particularly absurd when there is bi-partisan, bi-cameral support to end the embargo; most Americans oppose the trade and travel ban. Even Cuban Americans are divided on the issue.

In 2000, a Florida International University poll showed that 63 percent of Americans nationally and 75 percent of Americans of other than Cuban descent in Miami-Dade favor unrestricted travel to Cuba. We constantly seem to be moving backwards in our foreign policy, when our constituents are saying the opposite. Where is the logic in punishing Americans? A significant number of Representatives from both sides of the aisle actually agree on ending the travel ban. However, we are still unable to normalize travel and trade. In 1999 we granted permanent normalized trade relations

to China, but are still unable to travel and trade with Cuba freely. Whether or not other nations agree with the practices of the Cuban regime, they believe that our policy is ridiculous and outdated.

Mr. Speaker, the obsession with Cuba is two-fold: Those who support the travel ban are driven by 44-year-old memories of the revolution. Americans, who are eager to travel, are drawn to the rich, vibrant Cuban culture. Along with most of my constituents, I belong to the latter group which believes that we have much to learn from each other.

The Oakland City Council in 1998 passed a resolution to eliminate the trade sanctions against Cuba and the Bay Area has numerous sister-city relations with Cubans; these exchanges benefit students, arts initiatives, encourage humanitarian projects and research sharing for important diseases like HIV/AIDS, kidney failure and high blood pressure.

Farmers across the country are eager to engage in trade with Cuba as the U.S. economy continues to plummet.

The recent elimination of the people-to-people category, within the OFAC regulations, proves again how the administration is more concerned with maintaining a grudge than reinstating the American right to travel.

Mr. Chairman, not only does the travel and trade embargo undermine and contradict the values upon which our great country is based, but they are also very costly and logistically difficult to administer between the Departments of State, Treasury, and Commerce. We should not be persecuting Americans who are guilty of nothing more than a sense of curiosity and eagerness to learn and explore our island neighbor, Cuba.

Vote "yes" to promote democracy, vote for Americans freedom to travel, vote for the Flake amendment.

Mr. WELDON of Florida. Mr. Chairman, since the early 1960s, U.S. policy towards Cuba has consisted largely of isolating the island nation through comprehensive economic sanctions. In addition, these sanctions were made stronger with the 1992 congressional approval of the Cuban Democracy Act (CDA). I feel strongly that it has never been in our nation's best interest to recognize countries in our hemisphere that rebel against the ideas and freedoms we hold so dear. Some people feel that it is time to lift these sanctions.

I believe it is important to uphold the principles of democracy and freedom, human rights and liberty for which our Founding Fathers fought so hard. All peoples—including Cubans—have the right to enjoy these basic, inalienable rights as well. It is my understanding that once again, recently, the Cuban dictatorship took aggressive action to stifle the efforts of freedom-loving Cubans. Today is not the day to reward this repressive behavior. I urge my colleagues to reject the Flake-Delahunt-Davis Amendment.

Today's proposed amendments, which would open the floodgates of American dollars to the Castro dictatorship, would only prolong and strengthen the dictator's grip on the people of Cuba. To allow the American travel industry to engage Castro would send the worst of all messages to the freedom-seeking Cuban dissidents who rely on the United States not to give into this regime.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 14 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mrs. MALONEY:

At the end of title II insert the following new section:

SEC. 213. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to assess or collect any tax liability attributable to the inclusion in gross income of amounts paid (from funds referred to in subsection (b)) to any person as assistance on account of any property or business damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001.

(b) FUNDS.—The funds referred to in this subsection are amounts appropriated by—

(1) Public Law 107-206 under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Community Planning and Development";

(2) section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107-73);

(3) amounts appropriated by Public Law 107-38 and designated by the President for community development block grant purposes, and

(4) amounts appropriated by Public Law 107-117 for the Community Development Fund under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PLANNING AND DEVELOPMENT, COMMUNITY DEVELOPMENT FUND".

(c) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—None of the funds appropriated by this Act may be used to treat amounts to which subsection (a) applies as income or resources for purposes of—

(1) the United States Housing Act of 1937,

(2) title V of the Housing Act of 1949,

(3) section 101 of the Housing and Urban Development Act of 1965,

(4) sections 221(d)(3), 235, and 236 of the National Housing Act,

(5) the Food Stamp Act of 1977, and

(6) the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of September 4, the gentlewoman from New York (Mrs. MALONEY) and a Member in opposition to the amendment each will control 5 minutes.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to thank my colleagues for their leadership on behalf of New York following the tragedy of 9/11.

I have never seen Congress so united and determined. We responded with a national commitment to help New York City rebuild. Part of this rebuilding effort was Federal grants to businesses and individuals in Lower Manhattan near Ground Zero.

Just yesterday the New York Times wrote of problems getting all of the aid to those who needed it most. But what is more disturbing is that after deserving victims of 9/11 got the aid, the IRS in a surprise announcement decided to take part of it away in taxes.

Many grant recipients accepted the aid and spent every penny, not knowing that they would have to pay taxes on it.

It is just unfair for these cash-strapped businesses and individuals to take another financial hit, a financial hit that the Joint Committee on Taxation estimates to be \$268 million.

The IRS is taking back \$268 million in Federal aid that the President pledged to New York City. This IRS decision has also had a ripple effect on other Federal benefits that survivors of 9/11 may receive.

Since many agencies rely on the IRS decision and definition of gross income, some recipients' eligibility for programs like Medicare, Medicaid, and Social Security may be in jeopardy.

The amendment that I am offering today with my colleague from New York (Mr. NADLER) would bar the use of any of the funds for 1 year for the IRS to enforce the decision to collect taxes on these grants to Lower Manhattan. After all, the Federal Government is supposed to be sending aid to disaster victims, not taking it away.

Taxing the grants violates the spirit of Federal disaster aid. This is not the first action that I and others have taken to right this wrong. Actually, it is the latest in a series of actions.

Along with others in the New York delegation, we have written IRS, the Secretary of Treasury, we have written the President, Speaker HASTERT, and the leadership of the other body.

I have introduced bipartisan legislation. The Committee on Ways and Means is aware of the problem. The Congressional Research Service has done a memo. I have gone before the Committee on Rules seeking to add it as an amendment to H.R. 1308. And I am on the floor today with this amendment.

I ask my colleagues, who have the ultimate authority to decide who gets taxed, for their help. I am confident that it was never this Congress's intent to tax this disaster aid.

Making this amendment subject to a point of order means that this Congress has made a decision to continue to tax this 9/11 aid 2 days before the second anniversary of these attacks.

Mr. Chairman, I call upon my colleagues to support me with this amendment. It is fair. It was the intent of Congress.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment that the gentlewoman from New York (Mrs. MALONEY) and I are offering, which corrects an incredible injustice faced by some victims of the 9/11 attacks.

Shortly after the attack, which occurred in my district on September 11, Congress moved quickly to ease the economic suffering of businesses and residents in Lower Manhattan.

Over \$3 billion was appropriated through the Community Development Block Grant program specifically to assist residents and businesses in Lower Manhattan through a variety of grant programs to try to recover from the tremendous economic damage inflicted by the terrorists.

While such programs could never make these individuals and businesses whole after the devastating losses they suffered, these funds are an important first step in, and my constituents are truly grateful to the country for coming to their aid.

Incredibly, the Internal Revenue Service has announced that much of this money is subject to Federal taxation, effectively withdrawing some of the aid after it has already been given.

□ 1545

When we appropriated these funds in this House, it was incomprehensible that the Federal Government might provide assistance with one hand and take it away with the other. These funds are not profit. They are not income that should be taxed. They are funds intended to begin to defray some of the damages incurred by these businesses which were closed for months because guards stood on Canal Street saying "You cannot go to these businesses. You cannot pass here."

The aid that these businesses are getting are a tiny fraction of the economic damage they suffered because of the terrorists. Twenty percent have already closed their doors. Twenty percent of the small businesses in Lower Manhattan have gone bankrupt because of the inadequacy of the aid that we gave them to make them whole from the terrorists, and now we are taking away some of the money that we gave them.

Recipients of these funds were never asked to prepare a budget with the prospect of paying taxes on it in mind. Already near financial ruin, to place further economic demand on their budgets is simply cruel. This is an issue of fairness and common sense and decency to the people who took the hit for this country. I do not believe that anybody on either side of the aisle who voted for the economic aid to try to help the victims of the terrorism anticipated this taxation, and we ought to get rid of it.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I raise a point of order against the pending Maloney amendment No. 14 to H.R. 2989 on the grounds that this provision violates clause 5 of House rule XXI be-

cause it proposes a limitation on funds in a general appropriations bill for the administration of a tax or tariff.

The gentlewoman from New York is seeking to change existing law and prohibit taxes from being collected on payments made to those affected by the September 11 terrorist attacks. While, Mr. Chairman, we certainly all have tremendous sympathy for those who suffered losses from this tragic event, we should not be using appropriation bills, or seeking to use them, to establish new tax policy concerning payments to them or to any other individuals.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. MALONEY. Mr. Chairman, I do.

I very much respect my colleague's point of order, but could the gentleman please tell me how and when is this Congress going to act to return the hundreds of millions of dollars in aid promised to them after 9/11?

We have legislation before this House; we have been before the Committee on Rules with amendments trying to attach this to other legislation. We know that many on the other side of the aisle are calling for permanent tax relief in certain areas. We are asking for tax relief for the victims of 9/11.

It was truly not the intent of this Congress to tax their aid benefit packages. In fact, the IRS did not even tell them they were going to do this until the last minute. Most of them spent the money and now are in trouble taking out loans to repay. And, really, when they got the grants, they were well below what they lost. Now to come back and tax roughly a third of the grant is terribly unfair.

So I respectfully ask my colleagues, When will we be able to act on this legislation and return hundreds of millions of dollars in aid promised to the victims of 9/11?

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. NADLER. Mr. Chairman, I do.

I would agree, obviously, with what the gentlewoman from New York, my coauthor of this amendment, just said. We have tried every different way.

The aid to small businesses is roughly about \$539 million. This tax is taking it back about \$268 million. I will concede that technically the point of order may stand, but the Committee on Rules of this House routinely waives all points of order; routinely waives most points of order. I would appeal to my colleague to withdraw his point of order. I appeal to my colleague to exercise discretion and not press his point of order so as not to victimize the victims a second time. Because that is what we are talking about here.

We have tried, the gentlewoman from New York and I and others in the New York delegation, to try to press this point to the Committee on Rules, in separate legislation, and to the IRS. I do not believe anybody anticipated

that someone might come along and say this aid should be taxed. We would have put a sentence in the initial aid legislation 2 years ago, no one would have opposed it, and that would have been that.

No one anticipated this. This was completely shocking. No one anticipated the IRS would say that this money, which was a small recompense, with the average aid being about 10 to 15 percent of the loss, there is no profit or income here, it is 10 to 15 percent of the economic loss; but no one anticipated this would be taxed, so I urge that the point of order be withdrawn.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. ISTOOK. Yes, Mr. Chairman, I do.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Oklahoma raises a point of order against the amendment offered by the gentlewoman from New York for violating clause 5(a) of rule XXI. Clause 5(a) provides a point of order against amendments proposing limitations on general appropriation bills for the administration of a tax or tariff.

The amendment offered by the gentlewoman from New York proposes a limitation on a general appropriation bill for the assessment or collection of tax liability attributable to the inclusion of certain economic assistance in the taxpayer's gross income. The amendment therefore imposes a limitation on funds for the administration of a tax in violation of clause 5(a) of rule XXI. The point of order is sustained.

The amendment is not in order.

AMENDMENT NO. 2 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DELAHUNT:

Page 157, insert the following after line 2: SEC. 742. None of the funds made available in this Act may be used to enforce any restriction on remittances to nationals of Cuba or Cuban households, including remittances for emigration expenses, covered by section 515.570 or 515.560(c) of title 31, Code of Federal Regulations, other than the restriction that remittances not be made from a blocked source and the restriction that no member of the payee's household be a senior-level government official or senior-level communist party official.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) and a Member in opposition to the amendment each will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment, Mr. Chairman. It does exactly the same thing as the one that I and the gentleman from Arizona (Mr. FLAKE) and

others offered last year and which passed the House overwhelmingly. It prohibits enforcement of the cap on remittances that can be sent to families in Cuba.

Not many people, I believe, are aware that an aspect of current policy regarding Cuba imposes limits on family charity. Let me just say that again. It is American policy to restrict the amount of financial support that Cuban Americans can send to their families on the island. U.S. law prohibits Americans from giving more than \$1,200 a year to their Cuban families. I would suggest that this is shameful, especially for a Nation of immigrants like we have here in the United States.

Is there anything that defines American history or our heritage more than a first-generation family sending money back to the old country to buy food or medicine or clothing for loved ones in need? Such assistance is particularly critical in Cuba. Dollars from American relatives can make a huge difference in the quality of life for a Cuban family. One would think that American policy would be to encourage family assistance; but instead, the law, our law, views Cuban Americans who give too much help to their families as common criminals who can be fined up to \$55,000 and sentenced to up to 10 years in prison.

Now, as the Treasury Department will readily tell us, the limits on remittances are rarely enforced. And after the House spoke so clearly last year on this particular amendment, the administration began to allow Cuban Americans who visit the island to bring more money with them. I think the amount is some \$10,000, although it did retain the \$1,200 limit per household per year. So I would suggest or conclude that even the White House recognizes that this policy is a pointless charade, which begs the question: Why have any limits on remittances at all?

It is important to understand this policy does nothing to hurt the Cuban Government. Nothing. Instead, it punishes American citizens by forcing them to violate the law, and as we have heard elsewhere today, causes disrespect for the rule of law. And it punishes their relatives in Cuba by denying them the opportunity for a better life because, and it cannot be repeated often enough, this money does not go to the Cuban Government. Remittances are direct aid to families in Cuba from ordinary people who care to ordinary people in need.

It is the official policy of the United States that you should only do just so much. This is wrong and it is unacceptable. Last week, President Bush said, and I am quoting him, "Millions of acts of decency and kindness help define the true worth and the true strength of this great American Nation." We all agree with those sentiments. Our government should never seek to limit the kindness and the decency of the American people.

Ending the limit on remittances is one of the most kind and decent things we can do for the people of Cuba and for Cuban Americans here in the United States. We should do this. Support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition, and I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my colleague from Florida for yielding me this time, and I rise in opposition to the Delahunt amendment.

While well-intentioned, in practice this amendment would only serve as yet one more vehicle for the regime to get its hands on much-needed and much-valued hard currency. The goal of the existing controls on remittances is so that the average Cuban, who is denied access to basic necessities by the regime, in order for the dictatorship to provide it to foreign tourists, it is so that that average Cuban receives sufficient funds to survive.

Let me reiterate that the goal of the existing controls is to help the average Cuban receive funds for his needs. Certainly Castro does not care for his needs.

The amount has been carefully calibrated and reviewed at this moment, taking into consideration the purchasing power of the U.S. dollar relative to the economic realities on the island, the same realities and economic context which has prompted this Chamber time and time again, Mr. Chairman, to limit microcredit lending to small amounts benefiting the poorest of the poor. And they apply to the controls currently in place with respect to remittances in Cuba.

Removing the financial caps, as the Delahunt amendment seeks by prohibiting their enforcement, means more money for the corrupt regime to pocket. In removing all but one of the controls on the recipients of these remittances, the amendment creates an opening for individuals involved in illicit activities, for example, to receive U.S. currency. This amendment removes the safeguards that have been put in place and that are aimed at ensuring that transactions benefit those in need and cannot be manipulated by a terrorist regime starved for foreign currency.

In practice, this amendment redirects some of our U.S. currency flows to Cuba, which in turn the dictatorship can direct towards its friends, that is, rogue states such as Iran, Libya, and Syria. Denying terrorists and their sponsors the resources to continue their activities has become a critical pillar of U.S. policy in the aftermath of the deplorable acts of September 11.

If we really want to help the Cuban people, then deny their oppressor and vote "no" on the Delahunt Amendment.

□ 1600

Mr. DELAHUNT. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for bringing this important amendment forward. We should not be in the business of limiting family charity. We should not tell Cuban Americans in this country how much they can send to their families in Cuba.

As the situation now is, individuals in Cuba are only given a certain amount that they can get through the government ration card. That does not allow for some to have meat in their diet. Allowing individuals to send money to their families simply allows that basic necessity. Unless there is a child under the age of 7, for example, you are denied milk. There is no powdered milk available for families without children under 7. This allows Cubans as a humanitarian gesture to obtain that.

Also, it should be mentioned, this is rarely enforced. I doubt anybody in opposition to the amendment believes that families sending in excess of \$1,200 a year ought to be prosecuted. If we want respect for the law, let us bring the law into conformity with what is happening on a humanitarian basis.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I have great respect for the gentleman from Massachusetts (Mr. DELAHUNT), and we are working on a series of crucial issues in Latin America; but I have a fundamental disagreement with the gentleman certainly on the issue of Cuba and particularly on this amendment.

My two points that I want to make, number one, we hear a lot about Cuban-American families and their families in Cuba, and those of us who are Cuban Americans struggle with this all the time, the desire to help our families, at the same time propping up a regime that oppresses them.

But the amendment goes beyond that because the law permits remittances from non-Cuban Americans, from ordinary Americans who have no relationship to Cuba whatsoever, to make remittances into any Cuban individual inside of Cuba. Now that means that the potential for unlimited amounts of money by nonfamily members having no relationship with Cubans on the island to send monies into Cuba would be unlimited.

And when we know of Castro's history of his support of terrorism, of his harboring fugitives from the United States, imagine those who support those who think about that in our own country being able to send U.S. dollars into Cuba without restriction as to amounts or process, not for Cuban families, but ultimately for those who wish

us harm. That is the risk with the gentleman's amendment and that is the law of the land today. We, in fact, as Americans, can send money into Cuba, and you do not have to have any family inside of Cuba. To now permit unlimited amounts of that happening is against the national interest of the United States and the national security of the United States.

Finally, I would point out that yes, this does help the regime because not only can nonCubans send money, but at the same time what does Castro do, in order to be able to grab those dollars and for him to control its use inside of Cuba, the only way those dollars work are at government dollar stores which are at inflated prices and in essence, gouge the Cuban people. He does get the money and resources, and he gouges the Cuban people in doing so, but it is their only remedy under this totalitarianism. So ultimately, yes, the regime gets the money we are sending. Sending unlimited amounts without limitation and sending it to dollar stores inside of Cuba does not make sense. The amendment does not make sense.

Mr. DELAHUNT. Mr. Chairman, what is the time remaining?

The CHAIRMAN pro tempore (Mr. SESSIONS). Both the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) have 2½ minutes remaining, with the gentleman from Massachusetts (Mr. DELAHUNT) reserving the right to close.

Mr. DELAHUNT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. Mr. Chairman, I am very proud to be a cosponsor of this amendment that would end the limit on remittances that Americans can send to households in Cuba.

I had a chance to visit Cuba, and I met several people there doing business on their own. I met a taxi driver, and I asked him a lot of questions. One of the things he told me was yes, he has to give a portion of that money to the government, but much of it stayed with him. I said, Really, how is that done?

He said that is how it is done. He pulled out a wad, maybe this thick, of dollars. And this is what is going on right now in Cuba. There is nothing wrong with that. This young man, in my opinion, was very happy that tourists like myself and others were able to visit and spend our dollars.

And yes, there are people right now who would love to send not only dollars but medical equipment to Cuba to help those that are ailing; but because of restrictions, we cannot do that. We cannot do that through normal channels. We are hurting the Cuban people, not the government, but the people. In my opinion, \$300 every 3 months is not enough. \$1,200 a year is not enough.

\$100 a month does not do it. I would say that we need to support this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, just to respond to the gentlewoman from California (Ms. SOLIS), Cuba does receive medical equipment. The U.S. can send medical equipment. The gentlewoman might want to look at the law before she speaks in front of us.

Mr. Chairman, nobody wants to help the Cuban people more than the families of those Cuban people. And by the way, no one wants to help those people more than those Members who represent the families of those Cuban people here in Congress, and a few of us represent the bulk of them, the gentleman from New Jersey (Mr. MENENDEZ), the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and myself, and we get elected by those family members that these Members of Congress are saying that they want to help.

But what they understand is there is only one solution for the suffering of the Cuban people, and that is getting rid of the anti-American terrorist dictator, Fidel Castro. When we send more money that has to be sent to the government stores and goes to the government coffers so they can further their terrorist activities, that does not help the United States of America. It makes no sense to help fund a terrorist regime.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, debate has been brief, but I think informative on this matter. The reality is that every dollar that is sent in remittances is spent in stores. Since the economy is owned by the regime, the stores are owned by the regime. So obviously this is a delicate issue in the sense that many people obviously send remittances to their families knowing that their families have to spend the remittances in the dollar stores, and thus the remittances will end up in the hands of the regime that oppresses the Cuban people, including the families that receive the remittances.

But since it is a terrorist regime that engages in terrorist activities in addition to repression of its people, that is why these regulations, this balance, is in place. So again, there is a pattern here. The pattern is let us increase revenues to this dictatorship. Notice we are seeing on the floor today measures to increase revenues to the dictatorship. Whether they come on the floor and say the dictator is a bad guy, look at the actions. What are the effects of these amendments, to increase revenues for the dictatorship?

So we should vote down these amendments and take further steps. For ex-

ample, when we asked in the resolution that has been alluded to before that the prisoners be released and elections be held, not one prisoner has been released, much less has an election been held. Let us insist on what we asked for, and not help the regime.

Mr. DELAHUNT. Mr. Chairman, I yield myself the balance of my time.

I agree with the gentleman, those prisoners should be released, and we will continue to work hopefully to secure their release. At the same time, the gentleman cannot deny the level and magnitude of the human rights abuses in Saudi Arabia, and we have to be equally as ardent and vociferous in our condemnation on what occurs in that society. We have to have a policy that is devoid of hypocrisy.

Let me go to the amendment very briefly. The reality is that Cuban Americans who travel to Cuba, and there are many of them and they go there frequently, they pour out of the Jose Marti Airport and embrace their relatives there. And the reality and truth is they do bring dollars with them far in excess of \$1,200 a year, and I know if I had family in Cuba, I would do the same because family is first.

I recognize the Cuban community and the Cuban-American family believe in a sense of fairness. This is not to increase revenues for any government, it is to take care of people, families. When you are in Cuba and you are there and you are visiting not just with dissidents but ordinary Cubans, they tell you this is a life line to survive, and that is why we bring this amendment to legitimize what is going on. We know the Treasury Department does not enforce this particular remittance, but it is to legitimize the reality and support families everywhere.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELAHUNT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 742. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and

Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from California (Mr. GEORGE MILLER) who is the ranking member of the Committee on Education and the Workforce, the gentleman from New York (Mr. HINCHAY), the gentleman from Illinois (Mr. EMANUEL) and the gentleman from Minnesota (Mr. GUTKNECHT). This amendment also has the strong support of the AARP, the largest senior citizen group in this country representing over 35 million Americans, it has the support of the Pension Right Centers, and the IBM Employees Benefit Action Coalition.

This amendment is simple and straightforward. Five weeks ago, the Federal District Court for the Southern District of Illinois ruled that IBM's cash balance pension conversion violates Federal age discrimination law. The conversion, Judge Murphy found, violated the age discrimination provisions of ERISA because it discriminates against older workers.

□ 1615

This court decision confirms what millions of American workers have been saying for years and what hundreds of Members of Congress have also gone on record as stating. Conversions to cash balance pension plans discriminate against older workers, are illegal and must not be allowed to happen. This amendment would simply prevent the Federal Government from using any funding to assist in overturning the Federal district court ruling. That is what this amendment does.

By passing this amendment, we would not only be upholding the law, which is the least we can do, but we will also be standing with millions of workers who have lost, and are in danger of losing, 20, 30, 40, 50 percent of the pensions that they have been promised by their employers.

Mr. Chairman, why did Judge Murphy rule against the company and decide in favor of IBM employees? Let me just read a brief excerpt of what he wrote:

"In 1999, IBM opted for a 'cash balance formula.' The plan's actuaries projected that this would produce annual savings of almost \$500 million by 2009. These savings would result from reductions of up to 47 percent in future benefits that would be earned by older IBM employees. The 1999 cash balance formula violates the literal terms of the Employee Retirement Income Security Act, that is, ERISA. IBM's own

age discrimination analysis illustrates the problem." That is from Judge Murphy.

Mr. Chairman, I became involved in this issue several years ago when many hundreds of IBM employees in Vermont contacted my office and told me that the pensions they had been promised by the company had been cut by 30 to 50 percent. Imagine that. Workers staying at a company through good times and bad times, providing loyalty to their employers, and then one day the company sends out a message which says, in so many words, thank you for your years of dedicated service, but forget about the promises that we made to you regarding the retirement that you and your family were anticipating. Thank you very much, but we've changed our minds, we've pulled the rug out from underneath you, we're cutting your pensions by up to 50 percent.

Yes, IBM had enough money to pay out a \$260 million compensation package to former CEO Lou Gerstner, \$260 million to one man, but they just could not keep their word to their long-term, dedicated employees. And, of course, it is not just IBM that we are talking about today. It is hundreds of companies that have done exactly the same thing. It is companies that have broken the law, discriminated against older American workers and slashed the pensions that those workers were promised.

Mr. Chairman, it is no secret that the middle class in this country is hurting. Americans are working longer hours for lower wages. Their health benefits are being cut. Corporate America has thrown millions of American workers out on the street as they move our manufacturing sector to China, to Mexico and anyplace that they can find where they hire people for pennies an hour. Meanwhile, in many instances, the CEOs of these very same companies make out like bandits.

Mr. Chairman, a segment of corporate America have destroyed American jobs, destroyed health care benefits and now they want to destroy the pension benefits that were promised to their workers. We must not allow that to happen. Even corporate America, even major campaign contributors, even folks who can spend huge sums of money by placing full-page ads in the New York Times and elsewhere, even those people have got to obey the law. That is what this amendment is about. It is about obeying the law and not engaging in actions that violate Federal age discrimination statutes. In our country, we have come a long way by ending discrimination based on race, gender and disabilities. And today we have got to make it crystal clear that we will not allow discrimination against older American workers. We will not allow the Treasury Department to use taxpayer dollars to support age discrimination.

Mr. Chairman, let us not forget that companies with defined benefit pension

plans receive \$89 billion a year in tax breaks to set up pension plans for their workers. Out of all of the tax breaks that companies in America receive, the tax break for pension plans is far and away the most generous. Congress and the Federal Government should not be providing taxpayer dollars for companies to commit age discrimination against its workers.

Mr. Chairman, it is very important for the House to support this amendment today. It is important, Mr. Chairman, because despite the fact that cash balance conversions have been found to be illegal in the courts, the Treasury Department is still pushing proposed regulations that, if enacted, would give the green light to these very same cash balance pension plans that the Federal court has ruled are illegal. Clearly, the Treasury Department is intent on pushing these illegal conversions by all means at its disposal, and we must not allow that to happen.

Mr. Chairman, just last year, over 300 Members of the House voted to require the Treasury Department to protect older workers in cash balance pension conversions. I thank all of them for their support for older American workers. In addition, over 200 Members of Congress recently wrote a letter to urge President Bush to withdraw the proposed cash balance regulations that are at issue here. Today we have the opportunity to once again show our support for American workers and oppose a plan which is unfair, immoral and illegal. I urge strong support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, knowing no other Member to do so, I will claim the time in opposition, although I do not intend to speak on the amendment myself, but I will claim it for the purpose of yielding to any other Members that may wish to do so.

The CHAIRMAN pro tempore (Mr. SESSIONS). Is the gentleman seeking time in opposition?

Mr. ISTOOK. I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman reserves the balance of his time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Let me just tell my colleagues how I came into this issue in the State of Vermont. I came into this issue when, several years ago, my phone lines bounced off the hook because large numbers of workers at the Vermont IBM plant in Essex Junction, Vermont, suddenly learned for the first time that the pensions that had been promised to them were going to be cut substantially and in some cases by up to 50 percent.

I became involved with these workers who stood up and said to the company, you made us a promise and when times were bad, we stayed with you, we didn't go someplace else. One of the reasons that we stayed with you is because you

had promised us a certain pension that we were basing our family retirement on. That is the promise that had been made. What these workers did is stood up, talked to their fellow IBM workers all over America and they fought back and they won some partial benefits as IBM made some rescissions in what they did, but they continued the fight. What they have said, and workers all over America have said, is we cannot discriminate against workers simply because they are old and move to cash balance.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank him so much for his battle on behalf of American working families and retirees for pension protection and safety that he has led in this Congress now for a number of years.

Mr. Chairman, we are here again because of the relentless effort of this administration to empower corporations to cut the pensions of older workers in this country. If this amendment does not pass, the Treasury Department will go forward and provide a ruling that will make it safe for corporations to cut the pensions, the defined pension plans of older workers. Hundreds of corporations already have filed notice that they want to do this, they are simply waiting for the Treasury Department to make the ruling. We were here once before, and the Congress made a determination that this was unfair, it was inequitable, it was mean-spirited and it was damaging the economics of retirees and their ability to provide for their retirement.

The last time the gentleman led this effort, the General Accounting Office came forward and studied the impact of that effort and found that, in fact, many of these pensioners risked losing half of their pension. So the situation today is much the same as when the gentleman from Vermont first sounded the alarm a couple of years ago. But what has changed is, in fact, we now have a court opinion from the Federal District Court in the Southern District of Illinois that ruled, in fact, that IBM had violated the age discrimination protections when it changed its pension plan to accept a cash balance plan. What they did there was they ruled against older workers. They were going to deny older workers the pension benefits that they were entitled to, and they were going to get far less than younger workers were going to get, and that is age discrimination, because that is what they are doing. They are discriminating against older workers, 50, 55 years old, who have 15, 20 years at a company. Now, all of a sudden, they are going to find out that their pension plans have been cut in half.

What does that mean? That means that those people who have worked hard, made their plans for retirement, tried to develop their retirement nest

egg so they could have a standard of living to carry them through their retirement years. All that is now threatened, and, essentially, it is gone. Because where does an older worker go to get back that pension benefit when they are 50, 55 years old with that company? They cannot do that. They cannot do that. That is the unfairness of this. That is why AARP, the American Association of Retired Persons, supports our amendment. That is why the Pension Rights Center supports the Sanders-Miller amendment. That is why they support this effort to bring equity to this effort.

What are we trying to say? Let the worker make a choice. Let the worker choose which benefit would help them the most. Companies under our legislation would still be allowed to convert to cash balances, but what they would not be allowed to do is to harm older workers and their families in the effort to do that. That is a significant amount of money to these workers. We have heard from workers all over the country who have e-mailed our office because they have heard that their company is thinking about this. We have heard from people in the financial industry, in the airline industry that have been through this, the telecommunications industry, industrial companies from all over the country who are now being made aware of the fact that they may lose their pensions.

Mr. Chairman, American families are reeling in this economic downturn. They are reeling from long-term unemployment, from rising health care premiums, from steep declines in their savings and the 401(k) investments that were lost in the bursting of the stock market bubble. These people are scrambling to keep their health care benefits, to keep their pension benefits and to keep their jobs. This Congress should not now come along and tell them that we are going to put their pensions at risk. We know that Americans, the baby boomers, people my age and others, who are thinking about retirement over the next 10 or 15 years are now starting to focus on whether or not they will be able to do that. The pension plans that the administration has in order, that the Treasury Department is trying to put in place, put all that at risk.

I would urge my colleagues, as they have in the past on a bipartisan basis, to support the Sanders-Miller-Emanuel-Gutknecht amendment to make sure that, in fact, those pension plans are not put at risk and those families are not put in that economic difficulty.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly appreciate the great passion, and it is passion that is well-placed, when we talk about the issue of pension plans for workers and trying to make sure that there is stability and some surety in those plans.

□ 1630

So I appreciate that, and I realize that this is an issue that is being hotly contested in court.

Now, I do not know enough about the intricacies of the argument to know whether I agree or disagree that the judge has properly followed the law or not. I do know, however, that it is really going to be questionable whether this amendment will accomplish the intended objective.

We have seen several amendments on this bill like that, Mr. Chairman, where people offer an amendment and they tell everybody this will be the effect of my amendment. But that does not make it so.

If you look at the text of the amendment actually offered, it says, and here we are talking about the Transportation and Treasury appropriation bill: "None of the funds appropriated by this act may be used to assist in overturning the judicial ruling contained," and then it recites this court order that was issued out of the U.S. District Court for the Southern District of Illinois in this particular case regarding the pension plan of IBM.

Now, when the amendment says you cannot use funds from the Transportation-Treasury appropriation bill to assist in overturning the judicial ruling, what does that mean? Because, you see, Mr. Chairman, it is the Department of Justice that is involved in representing the government in this litigation.

The funds that are used to potentially file an appeal of this ruling are the funds of IBM, and they are the funds of the Justice Department. It is not the Treasury Department directly that is involved in this, although obviously anything that has to do with pension plans and tax rulings has implications for the Treasury Department.

But this amendment is not going to control what happens in that case. I realize it presents an opportunity for different Members to stand up and say what their position is about that particular ruling about pension plans, but I do not think this amendment is going to bring about the result that people desire.

This amendment does not control what the appellate court may or may not do with the order issued in this case. That is beyond us. We are not here to dictate to a court that this is what you must find. We are here to determine what the law is. The courts interpret the laws. If they do not do a good job, sometimes we will change the laws or do something related to that court.

But this bill is not ultimately going to control the disposition of that lawsuit. It ultimately will not control whether the underlying law is going to be changed or not. As the Committee on Appropriations, we do not make the tax laws. We do not make the pension laws. We have other committees in this Congress, the Committee on Ways and Means, the Committee on Education

and the Workforce, the Committee on Energy and Commerce, have roles in part of this. But it is not going to be decided in this bill.

So I think it is important for Members to understand that whether this amendment is adopted or not adopted is not going to control what the underlying pension law of the United States is. It is consuming time for the House to take up the debate, but we will take it as Members want to. There may be other Members who want to come down to the floor and talk about the amendment, to oppose it, just as we have some Members that have come to the floor to speak in favor of it. But I would not want anyone to think that we are actually deciding what will be the pension laws or the outcome of that particular litigation when we vote on what will happen with this amendment.

Mr. Chairman, having said that by way of explanation, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 3¼ minutes to the gentleman from Illinois (Mr. EMANUEL), who has played a very active role in this issue.

Mr. EMANUEL. Mr. Chairman, just over a month ago, the Federal court ruled that IBM violated Federal anti-age discrimination laws when it converted from its traditional pension plan to a cash balance plan in the 1990s. As a result, over 130,000 of IBM's longest-serving workers, including many in my home State of Illinois, moved one step closer to receiving the retirement benefits they rightfully earned. Despite the court's decision, this administration is pushing regulations allowing companies to switch to cash balance.

Let us be honest: cash balance plans can work. We can create a win-win situation here just along the model that the Secretary of Treasury did at CSX, where you grandfather in older workers. We do not need to create a win-lose situation that only benefits employers and harms employees. There is a way to create a win-win situation that reflects the commitment of long-serving workers and older workers who are nearing retirement, and also gives younger workers a plan like a cash balance retirement plan that is a hybrid between both the defined benefit and the defined contribution plans.

When Secretary Snow was at his confirmation, he talked about what they had done at CSX when he was CEO and chairman. We always around here laud the private sector as a model. Well, I present to you a model, what CSX did for its own employees. It created a win-win situation for the company and for the individuals there, whether they were 58 and near retirement, or 38 and started as new workers. That should be the way we approach this situation.

I am a proud original cosponsor of this legislation. I think it reflects our values of rewarding work, loyalty, and taking responsibility. Thousands of companies are awaiting this decision.

I, along with the gentleman from Vermont (Mr. SANDERS) and the gen-

tleman from California (Mr. GEORGE MILLER), my colleagues, went to testify when there were hearings for this rule change.

It would be wrong to pull the carpet from underneath employees who are nearing retirement, relying on that retirement, planning on that retirement. As we say in our own legislation, if this is good enough for the private sector, let us adopt it here in Congress. Let us have a cash balance plan.

We all know the study that was done. It would affect older-serving Members who have years of service here who have relied open that retirement plan. If it is good enough for people in the private sector who are older workers, should we try it here in Congress? The answer resoundingly would be "no."

But, again, we are not going to debate today the principles underneath this bill. What we are going to say is while this decision is moving through the court, the funds through this appropriation process cannot be used to go around the court and implement this plan.

Yes, later on we will debate a pension plan and reform the system. We have the right values in this legislation. I believe it is correct to withhold the funds to ensure Treasury does not go around the court and have this decision work its way so we do not in any way send a signal to other employers to pull the rug out from underneath their employees. Let the court decision go its way. Do not allow them to fund this process and go around the court ruling.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who has been a very active leader on this issue.

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman from Vermont for yielding me time.

Mr. Chairman, it has been my privilege since I have been in public life to represent thousands of IBM employees in Rochester, Minnesota. In fact, approximately 6,000. I do not know how much of the story has been told, but this is a serious subject.

Now, I come at this not only as a representative of over 6,000 IBMers, but I come at this as a former member of the Legislative Commission on Pensions and Retirement. So I am not saying I am an expert on pension policy, but this is something I probably know a little more about than the average Member of Congress.

As the gentleman from Illinois just said, the concept of these cash balance plans or defined contribution plans, modified defined contribution plans, is not necessarily a bad idea. For many younger employees who are going to change careers and jobs throughout their careers, this probably makes some sense. But the bottom line for older workers, workers who have been with a company for perhaps 20 years, this is a shameless attempt to try and steal pension money. Part of the rea-

son that IBM lost that lawsuit in southern Illinois is because the facts did not support their position.

I want to talk a little bit about a different dimension to this, because I do also agree with the gentleman from Illinois; we can craft a plan that is a win-win situation, that would allow companies to convert their pension plans, with one caveat: that you give vested employees a choice.

Let me just read from the dictionary the definition of the term "vested." The definition is "settled, fixed or absolute; being without contingency, as in a vested right."

The way you do this, Mr. Chairman, is you literally say to those employees who have been vested that you get a choice. The companies can make a conversion, if they want, for any new hires. They can even make a conversion for those employees who have not vested. But at the least, we ought to agree with this amendment that the Federal Government and its resources should not be used to appeal this particular case. This is a very important case.

Let me just talk to the Republicans for a minute. Understand, I am not sure that Republicans understand what is at stake here and who really is involved. We are not just talking about 6,000 IBMers; we are talking about literally hundreds of thousands of other people, most of them who are 45 years of age or older, who have been with a company for a very long time, many of them what we would call professional people, college-educated, technically trained people. Let me be very blunt: 75 percent of them vote Republican. They understand this issue, if it has happened to them or if they are afraid that it will happen to them.

In fact, go back to the issue of vested. TIAA-KREFF, when they put out a questionnaire or they put out some questions and answers when people sign up for their various pension plans, let me read Question 7 and the answer. I do not have to read the answer.

The question is, "When do my plan contributions become vested?" And then in parentheses it says "i.e., owned by me."

Now, what 6,000 IBMers found out, I should say probably 5,000 of them at least who were vested, what they found out is there is no legal definition of the word "vested."

They came into work one day and they had calculators. As part of their computer tool kit on their computers, they had pension calculators which would literally calculate for them how much their pension would be worth if they stayed with the company until they retired at age 65 or 66, whatever the age was. They could do their little calculation of how much their pension was worth.

All of a sudden they came in one day and IBM changed the pension plan. For a few days IBM made a huge mistake. They left the calculators on the employees' computer screens. They could

very quickly do the calculations in terms of how much the old pension plan was worth to them and then how much the new pension plan was worth to them.

They did not have to be computer experts to begin to figure out that all of a sudden they had lost, in some cases, hundreds of thousands of dollars' worth of pension benefits that they thought were vested.

Mr. Chairman, we should not mess with this. I agree with the chairman from Oklahoma. I do not think the Congress should be messing with this. I do not think the administration should be messing with this. I think this should be left to the courts.

He said, well, this is not pension law. But, understand, and I hope the gentleman from Oklahoma is paying attention here, because pension law is set in several different ways. First of all, it is what is in statute. It is also what is in rule. That is what we are concerned about.

The other thing we are concerned about that is really at issue today is in terms of precedent in the courts. In some respects, this administration is taking a wrong turn by getting involved in this issue. This is an explosive political issue. If you do not believe it, I would ask you to come to my hometown and have a town hall meeting, or have a committee meeting, if you want to hear from 6,000 IBMers.

This is a good amendment. This is the right thing to do. It ought to be included in this bill.

□ 1645

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would say to the gentleman from Vermont (Mr. SANDERS), wherever he is, I am going to suggest a vote against his amendment. I have been around business many years, and I have been in and out of pension plans in many different corporations, and this is a dangerous amendment. I am not going to talk a long time on this thing; I just have to tell my colleagues how I feel.

Also, I am on the Committee on Ways and Means, and I would like to feel that we would have an opportunity to understand this and look at it. There has been no notice on this thing whatsoever.

But the bottom line is this: the Cooper ruling threatens to drive employers out of the pension system. Pension plans nationwide will be burdened with huge additional liabilities, leaving workers worse off. Is that what we want?

As a result of the Cooper decision, we understand the voluntary pension system itself would be in danger. Is this the protection workers need? I do not think so.

Frankly, I would urge people to vote against the Sanders amendment. It is

not going to help the people I know, the people I have worked with, particularly the senior employees of various corporations who are so dependent upon our defined benefit plan.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an ad, I say to my colleagues, that ran in today's New York Times and it ran in some other newspapers I think here on Capitol Hill as well. It says, "Don't destroy America's pension system. Vote no on the Sanders amendment." It says, the Sanders amendment to the Treasury Appropriation bill threatens to outlaw vast numbers of pension plans." Well, that is just outrageous. That is simply not true. We do not outlaw any pension plans.

It goes on to say, "Prevent pension plans from protecting employees' pensions against inflation while they wait to receive their benefits." That is not true. The Sanders amendment does not do that.

All this amendment does, I say to my colleagues, is it says the Federal Government, the Federal taxpayers should not join in this lawsuit against workers. I mean, these workers literally have had pension benefits stolen from them and we are saying, at least the administration should be kept from joining sides with the company. This is the most outrageous ad since the prescription drug ads that they were running a few weeks ago.

Now, the gentleman from Vermont (Mr. SANDERS) and I agree on almost nothing, but twice a year we agree on two things. One is the prescription drug prices and the other is pension policy.

This is a good amendment. It ought to be included in this bill. It is outrageous for the administration to join sides with companies that are trying to steal from pensions.

I say to my colleagues, we have to understand, pensions are in trust. We had this when I was on the pension commission back in Minnesota. One year there was a firefighter from Winona who embezzled something like \$200,000 from the Winona Firefighters Pension Fund. And both sides came in and said, it is not my money. It is not my money. The money that was embezzled belonged to the city, or it was not our money that was embezzled. And then, when the pension fund started to get better rates of return and they were making more money than they needed, then the groups were coming in and saying, wait a second. That is our money.

The fact of the matter is pension money does not belong to the company and it does not belong to the employees. It is in trust. And when they make these conversions, the real purpose is to take that money, in effect, out of the trust and put it on to the bottom line of the companies.

This is a good idea. This amendment should be added to this bill.

Mr. BACA. Mr. Chairman, I rise in support of the Sanders Amendment.

This amendment is simple and straightforward. It would simply prevent the Federal Government from using any funding to assist in overturning the federal district court ruling that declared IBM's cash balance pension conversion to be in violation of the pension age discrimination laws that are on the books.

This amendment would protect millions of American workers throughout the country who have been negatively impacted by illegal age discriminatory cash balance pension conversions.

This amendment has the strong support of the AARP, the largest senior citizen group in this country representing over 35 million Americans, the Pension Rights Center and the IBM Employees' Benefits Action Coalition.

A federal district court in Illinois has already ruled this practice as illegal. In the case of IBM, 130,000 employees have seen their pensions slashed as a result of IBM's cash balance scheme. The message was clear. These cash balance plans—which slash the pension benefits of older workers by as much as 50%—are illegal.

Despite this court ruling, it appears that the Treasury Department is still moving ahead with proposed regulations that would give the green light to the very cash balance pension plans that the federal court ruled are illegal. This is wrong.

Just last year, over 300 Members of the House voted to require the Treasury Department to protect older workers in cash balance pension conversions, and over 200 Members of Congress recently wrote a letter to urge President Bush to withdraw the proposed cash balance regulations that are at issue here. Congressional intent is clear—these conversions hurt our nation's pensioners and this practice must stop.

But, there are some in Congress who may believe that cash balance plans are good for American workers. Well, according to a CRS report the Speaker of the House, the distinguished Majority Leader and others would see their pensions slashed by as much as 69% under a cash balance plan.

We do not tolerate discrimination against workers based on race, based on gender and based on other criteria, and we must not tolerate discrimination based on age.

I urge my colleagues to support the Sanders Amendment.

Mr. SANDERS. Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A-76 made on May 29, 2003.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, this amendment is designed to ensure that we have an even playing field when the Federal Government decides to hold a competition to contract out Federal jobs and services to private contractors. It has been the long-standing policy of our government to allow for public-private competitions for those services that can be appropriately performed in the private sector, and that process is known as competitive sourcing and it is a good process. But as part of an ideologically-run agenda to contract out more and more Federal Government jobs, the Office of Management and Budget, on May 29, issued a new circular, a new ruling, and they rewrote the rules to tilt the playing field in favor of private contractors at the expense of Federal employees.

Now, Federal employees are happy to submit to competition. I have thousands of Federal employees in my congressional district and they are willing to compete with the private sector. But it is unfair to ask them to compete with one hand tied behind their back, and that is what the most recent OMB rewrite of the circular does; it stacks the decks against our public employees.

There are going to be 416,000 Federal employees that will have to submit to the new privatization process.

Now, under the current system, about 60 percent of the times when we have these private-public competitions, about 60 percent of the time, the Federal employees have won the bid. But according to the Private Contractors Association, the association that represents those who would be receiving the private contracts, according to them in their own written statements, if the rules are rewritten, the number of times the Federal employees could win would drop from about 60 percent to 10 percent of the time. Now, how can we predict that in advance if we have a fair process?

Well, the reason we can predict it in advance is it is not a fair process. It rigs the process against Federal employees, and it is a bad deal for taxpayers, because as taxpayers, what we want is the best deal for all of us, and

to get the best deal, we want an even playing field. And if we rig the process in one way, it is not just unfair to Federal employees, it is unfair to taxpayers around this country, because they are not getting the best bang for their buck.

So what does this amendment do? What this amendment does is it gives the OMB, officials at the Office of Management and Budget, another chance to rewrite the rules. It would keep in place the A-76 rules that have governed the process right up to May 29 of this year. So it does not get rid of private-public competitions, it just says let us have a time out and take another look at these rules to make sure that they are fair.

In fact, it does not go as far as we have gone in this House earlier this year. In the Interior Appropriations, there was an amendment added that got through this House that actually prohibits the Department of the Interior from new contracting out in this coming year, to do new reviews in this year. This amendment does not go this far. This does not say no new contracting out. It just says let us play by the rules that we have been playing with up until May 29 until we have an opportunity to visit the flaws, revisit the flaws and look at the flaws in the new process.

What are some of those problems? Number 1, the new OMB circular does not even allow the Federal employees to submit their best bid. You have a streamlined, fast-track process. Now, the pro-contractor commercial activities panel have themselves said that Federal employees should have the right to submit their best bids because of the so-called most efficient organization process, the process by which Federal employees can also organize themselves flexibly so that they can compete on an even playing field, that that is designed to achieve efficiencies and promote higher levels of performance.

Well, if the new A-76 process is about performance and efficiencies and more competition, why is it designed so it does not allow Federal employees the ability to organize themselves to submit their best bids in the competition?

Another problem: The new circular does not require contractors to at least show as part of their bids that there are going to be appreciable savings. It would not require the contractors as part of the bidding process to at least promise the taxpayers some financial benefit, and that is a change. Up until May 29 of this year, we required that the private contractor submitting that bid show that they are going to achieve at least a 10 percent savings, or \$10 million, whichever is less, over what is being done by the Federal employees. These contracting-out processes, these competitions cost us a fair amount of money and time and resources to organize it. We should, at the end of the day, at least be able to show the taxpayers that we are going to get a bet-

ter deal than at the beginning of the day. That is what the old OMB circular did. The new one does not do that.

Another problem: It artificially inflates the cost of the Federal employees' bids. So right off the bat, if you are the Federal employees group, you are at a disadvantage because it arbitrarily assumes about a 12 percent overhead as part of your bid. Now, the Inspector General of the Department of Defense has said that the 12 percent overcharge arbitrarily slapped on in all the in-house bids is insupportable, and that either a new overhead rate must be established or an alternative methodology must be devised to allow overhead to be calculated on a competition-specific basis. In fact, there has been an egregious case recently showing how Federal employees, that their bid would have saved the taxpayers millions of dollars over a private sector bid, and the private sector company got the award, but it turned out that because they had miscalculated the overhead for the Federal employees, the taxpayers got burned.

So if the new A-76 process is being written to promote fair public competition, why does it so dramatically inflate the overhead cost for the in-house bids by Federal employees?

Another problem: It discourages the private sector from providing adequate health care benefits to its employees. In other words, in order to get the contract, the bid from the Federal Government, you in the private sector, in order to get yourself a better deal, you submit a package as part of your bid, it does not contain adequate health care benefits for your employees. Obviously, that saves you money. It essentially allows the jobs to be shipped out to somebody else who does not provide adequate benefits.

If that is not the intention, we in this body should do exactly what the Senate did on a bipartisan basis earlier this year in the Senate Defense Appropriations bill, where they said that if you are the private sector company and you are offering a bid that does not have adequate health care benefits, then the cost of health care benefits should not be considered as part of either bid. In other words, it should not be factored into the Federal employees' bid, and it should not be factored into the private contractor bid. That way, the private contractor would not achieve an unfair advantage by providing little or no health benefits to its employees.

So those are just some of the problems, Mr. Chairman. As I said, all we need to do is take a time out, let us play by the rules that were in effect up until May 29 of this year, and provide a little time to do the rest.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform.

□ 1700

Mr. TOM DAVIS of Virginia. Mr. Chairman, as I understand this amendment, it basically strikes the new OMB circular A-76 and would be replaced by the old OMB circular A-76, which all the parties were complaining about prior to this time. So the question really before the House is, is the new circular which was met, after getting input from all of the stakeholders, with a number of unanimous agreements on how this should be changed and incorporated into this, after literally 700 comments were received in developing the guidelines, if this should be changed or should we go back to the old circular A-76.

Is that a correct understanding?

Mr. VAN HOLLEN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, there are certainly problems with the old A-76 that I believe should be corrected, but I also believe that the new A-76 is, in many parts, worse and creates a more unfair playing field for Federal employees.

Mr. TOM DAVIS of Virginia. Reclaiming my time, I understand the gentleman's position. To be sure, all of us who have dealt with these issues, and I have, for a number of years, there are concerns about the way the administration has gone about competitive sourcing. Two major problems that come in: One we have fixed with this bill, and that is when the administration goes to competitive sourcing, there is a cost to that because you have to hire people to evaluate it. There are costs of the government looking and revamping how they would produce a service. You are evaluating the private sector to see how they would provide the service. There are costs to that, and right now those costs are not currently recaptured.

We have put language into the underlying legislation here through our committee that will, for the first time, have the Federal Government report on those costs so that they can be adequately waived.

The second issue is, I think in some cases the administration is moving too fast, doing too much competitive sourcing, more than they can adequately handle and evaluate. We have heard there have been a couple high-profile instances where the administration has come forward and the evaluations have probably not been appropriate, and I think they are biting off more than they can chew. But I do not think that goes to the base of the A-76 reasonable or reasonable. I like the new procedure, or if there are revamps, I would prefer not to do it through this process. I would rather go back and evaluate it in committees. We have held hearings and are continuing to look at this.

Remember, competitive sourcing is not the same as out-sourcing or privatization. Its purpose is neither to

downsize the workforce or to contract jobs out. It is about harnessing the benefits of competition to produce superior performance for the taxpayer, regardless of who performs a service. And in almost every instance where competitive sourcing is applied, the government ends up with a savings. Sometimes this is done by the government employees and the government groups who have gotten together and have retooled the way they provide the service and do it more efficiently. Sometimes it is done by an outside party coming in and showing that they can do it better.

There is no way to measure efficiency in government when you are a monopoly. But if you can go out, occasionally, to the private sector and say, what can you perform, it gives us a standard of performance, a measurement of efficiency that we would not have otherwise.

Now, there is a problem with this that I readily concede, and it troubles me, and it is one that the gentleman from Maryland (Mr. VAN HOLLEN) and I have wrestled with. And that is, who wants to come work for the Federal government and dedicate a career to civil service if your job is going to be up for evaluation every 5 years, which is what the guidelines in last year's bill called for. Twenty percent every year was going to be looked at, of inherently non-governmental services that the government is providing, and we would see if it could be competitively sourced. And, basically, that meant on average every 5 years a person's job would be evaluated, and that hurts our recruitment. It hurts our retention.

Now, the fact of the matter is, in most cases where the outside parties win, Federal employees are offered rights of first refusal. In fact, that is spelled out better in the new A-76 circular. That if, in fact, the government is displaced by an outside firm, jobs are offered to the Federal employee government to provide that service so they are not out of work. They are no longer Federal employees. They lose some benefits; they pick up some benefits in some particular cases. But to be sure, there are instances that we wrestle with.

Now on May 29, the OMB published its final revisions of the A-76 process. These revisions were the first major overhaul to the competitive sourcing process in 20 years. And this came after all parties, but particularly Federal employees, were complaining about the old system, a system that we return to if this amendment passes.

What we have now is a product of a 2-year effort that includes discussions and negotiations with all stakeholders including Federal employee groups, private sector companies. As I stated before, more than 700 comments were taken into account in developing these new guidelines. They also incorporated the core recommendations of the Commercial Activities Panel. This panel, headed by the Comptroller General,

conducted a year-long review of the competitive sourcing process and issued recommendations, most of them unanimous, for comprehensive changes to process. And I think we have to give that revamped process a chance to work before we willy-nilly throw it out and go back to the old process, which everyone was complaining about.

I think the new process is, in many ways, fair. The gentleman from Maryland (Mr. VAN HOLLEN) and I disagree. I will address more of this later. I urge that we oppose the Van Hollen amendment which would take us back to the days that everyone was complaining about and just were not working efficiently.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond briefly to a few of those points. There is no doubt that whenever we do these competitions, and I think these competitions are a good thing if done fairly, when we do these competitions, it does cost the taxpayer money just to set them up and run them. Just as the gentleman from Virginia (Mr. TOM DAVIS) has said, that is an expense.

That is why it is baffling to look at the new circular and see that, unlike the old version, the new circular does not require that the private contractor show some savings is going to be achieved from their bid. It used to be you had to show at least a 10 percent savings or \$10 million or whichever is less. That is not part of it any more. And yet we will go through the expense of setting up these competitions and taking out the one provision that ensured some kind of savings for the taxpayer.

Number two, I share the gentleman's concern about the Federal employee who is planning a career, investing time and energy and knowledge in the Federal Government because the Federal employees can win the bid and the next day they could be subjected to another round. And within 5 years, it is required after 5 years that they be subjected to another round of competition. There is no such requirement placed on the private contractor.

There are many other issues. I just think it is time to send them back to the drawing board. They may have spent a lot of time on it, but they did not get it right. Let us let them get it right.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, someone who has spent a lot of time working on this issue as well and who has been pushing the issue of fairness to Federal employees.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Van Hollen amendment to the Transportation, Treasury Appropriations bill.

The amendment of the gentleman from Maryland (Mr. VAN HOLLEN) blocks the administration from using Federal funds to implement revisions to the A-76 process. In effect, it prevents the administration from paying politics with the civil service system, and it deserves my colleagues' strong support.

Now, this week the Brookings Institution reported on the true size of government. Unfortunately, the report is not surprising to those of us who have watched this administration's assault on the Federal workforce.

The Brookings Institution found that the shadow workforce of private contractors working for the Federal Government is now 16.7 million, which is 9.5 times as large as the civil service workforce.

This administration is not satisfied with a private contractor workforce of 16.7 million, so it is launching yet another attack on Federal employees.

Let me say to those conservatives who say, we want to shrink government, contracting out does not shrink government. It is public-funded jobs, but it is public-funded jobs in the private sector. Taxpayers are paying for it, but these people may not have any of the benefits, and they may not be saving us any money.

This administration is launching yet another attack on Federal employees because the vehicle for this assault is this obscure OMB circular called A-76, which the administration recently revised to accelerate the transfer of Federal jobs to the private sector.

This mad rush to privatize civil service is dangerous. When the government turns to poorly supervised private contractors, the potential for waste, fraud, and abuse soars.

This is not just my assessment. Just read the countless GAO reports on contractor abuses. The problem is so bad that contract management at DOD, the Department of Energy, and NASA, the three agencies that most heavily rely on private contractors, is on the GAO's list of high-risk Federal programs.

Mr. Chairman, the Office of Management and Budget's Statement of Administration Policy alleges that the Van Hollen amendment prohibits funding for public-private competitions. It does not. The Van Hollen amendment simply prohibits these competitions from being conducted under the newly revised rules giving it an unfair advantage to private contractors.

The Washington Monthly wrote last month, "Even the Federal payroll can become a source of patronage. . . . Bush has proposed opening up 850,000 Federal jobs, about half of the total, to private contractors. And while doing so may or may not save taxpayers much money, it will divert taxpayer money out of the public sector and into private sector firms, where the GOP has a chance to steer contracts toward politically-connected firms."

This is not shrinking government. This is using government for patron-

age. It does not create new private sector jobs. It creates private sector public-taxpayer-funded jobs.

Mr. Chairman, it is time to stop this destructive effort to give Federal jobs to private contractors who are campaign supporters. Vote yes on the Van Hollen amendment and stop this administration's war on Federal employees.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from Oklahoma (Mr. ISTOOK) allowing me to stand in opposition to the Van Hollen amendment.

Today what we are talking about really is the opportunity for the taxpayer to be the winner in the work that is performed by and for the government. This amendment obviously would require that all public-private competitions be conducted under the old and wisely distrusted A-76 circular.

We, in Congress, had a hand in forming not only this Commercial Activities Panel, but I think that Congress needs to listen to the changes that took place back in May from this body.

Essentially, what they did is they went and looked at other areas of government that had been doing outsourcing in a positive way; what I might call best practices, a way to look at the way things should be done that would be better for not only government employees and also good for those who might be bidding, but, more importantly, to really get them up to date with the leading edge practices.

Essentially what happened was there were a lot of transparencies, a lot of things that were recognized that needed to be changed. Some of them had a time frame so that these competitions did not stretch on forever. But perhaps the most important part of applying this, and these changes, is that it is going to really offer a level playing field. That is entirely different than the old A-76 process.

Mr. Chairman, the old A-76 was essentially a competition where everyone bid and then the government was a part of that. These changes will create a level playing field that I think is better for government employees. Because what will happen is the competition will now be under the Federal acquisition regulations, which means that government will be able to respond to the best offer from the private sector. So the government will be able to now respond.

Those employees will now be given an opportunity to see that bid and to compete against that, which gives government employees a chance, not in the whole mix, but rather specifically against the best offer to where it is a real competition.

These are things that have been done in the Department of Defense for a number of years.

So instead of allowing the mix where government employees would be par-

ticipating against eight or ten different proposals, they now have an opportunity, under the revision that came from this Commercial Activities Panel, to update the process and make it better. Government employees now have an opportunity to compete against what is seen as the best offer.

□ 1715

I disagree with the gentleman from Maryland. I think really what is trying to happen here is they are just trying to kill the whole process, cause a smoke screen when, in fact, we, as Members of Congress, should recognize that through a series of acts, that we have talked about and debated on the floor of the House of Representatives that we determine that the taxpayer needs the best that can come from these competitions. If it is government employees, so let it be. If it is not government employees, in a part of the business that is not inherently governmental, then it should go to whoever can do that best, who can do it at the best cost, who can provide it day in and day out to the best effort of what the taxpayer is.

I will tell my colleagues that I oppose the Van Hollen amendment because I believe that the commercial activities panel who offered many unanimous recommendations, unanimous recommendations from people all over, not only unions, but also other commercial bodies, people who know the business, people who know the marketplace, people who know what is fair so that the taxpayer can get the best dollar for what they paid for, they are the people who studied this, they are the people who made the recommendations, and they said they want to be fair, fairer, best practices, not only to government employees, but also those employees who might be in another company who are competing for something that is part of the business of the United States government that is not inherently governmental.

So the gentleman from Oklahoma, who is standing up today to oppose this unwise amendment, I stand with him, also. I stand with the chairman of the Committee on Government Reform who understands that we must defeat the Van Hollen amendment.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think one thing we agree on is that what we want is the best deal for the taxpayer, and the way to get the best deal for the taxpayer is to have a fair competition process between the Federal employees and between private contractors who are competing for that. That is how we get the best deal.

What this new circular does is tips the playing field in favor of private contractors. That is the only way the association of private contractors would be able to predict in advance now before any of the bids have been placed that Federal employees will only win 10 percent of the contracts in

the future, in contrast to about 60 percent now.

I outlined a specific series of fatally flawed problems with the new circular. I have not heard any response to any of them. One, Federal employees are not given the opportunity to come forward with their best bids; two, we are not guaranteed any savings under the new process, although we were under the other process; three, artificially inflated overhead costs in Federal employee bids that put them at a disadvantage. Many other problems, unfairness with regard to health benefits. Those are all problems.

I represent many Federal employees, and I know that the organization that represents Federal employees, the American Federal Government Employees Group, is against this new circular. They speak for their fellow Federal employees. This is a bad idea, and all we are asking in this amendment, not to get rid of the process. The idea of having a competitive process is a good one. It is good for the taxpayers, and when it is done fairly, it is good for everybody.

Let us go back to May 29. It still had problems but this does not fix it. This makes it worse. I urge my colleagues to vote in favor of this amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. If my colleagues want to try to kill the bill, and all that it does for transportation in the United States, sure, go ahead and vote for the amendment because the amendment will be the reason for a veto of this bill if that amendment is part of the final product.

The statement of administration policy issued concerning this legislation reads as follows: "The administration understands that an amendment may be offered on the House floor that would effectively shut down the administration's competitive sourcing initiative. If the final version of the bill contained such a provision, the President's senior advisors would recommend that he veto the bill."

This bill is too important for that, Mr. Chairman. Anyone who does not think they are serious should look at the current dispute over the aviation reauthorization bill where there is much of the same issue, where people that are Federal employees want to guarantee that work that does not have to be performed by Federal employees nevertheless must be performed by them, and we are having fights over that. That is unfortunate because the taxpayers save money every time we go through the competitive sourcing process.

Typically, most of the time, the Federal employees get to keep the work, but they have to agree to do it in a manner that gets around some of the normal red tape that makes everything cost more typically when it is done by the Federal Government. This is our chance to get around that, but the amendment that is before us will kill

that opportunity. It will kill the savings for taxpayers. And if this bill were to be vetoed because the amendments exceed it, bulldozers across the country would stop. Transportation projects would come to a halt if we did not have this bill done in time to have those continue.

Effectively, this amendment would kill competitive sourcing. The President's initiative will have real cost savings to the taxpayers. Recent A-76 competitions have resulted in savings of 20 to 30 percent. The Department of Defense alone expects to save \$11 billion between 1997 and 2005 as a result of these competitions.

There are more savings like that in other agencies, but most of the Federal workforce will not ultimately be affected by these things, but we need the chance for the savings for the taxpayers. Mr. Chairman, I ask that this amendment be defeated.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, again, my friend from Maryland and I have fought a lot of battles on behalf of Federal employees. I represent a lot of Federal employees, as he does. We disagree about this particular amendment. I also represent a lot of contractors, and I also represent taxpayers who at the end of the day should be the major beneficiary from this because competitive sourcing, I think, means not less government or more government, it means more efficient government, and that is the goal of this. I hope the gentleman understands that it is a question of how we get to that.

Let me make a couple of comments. I believe this is better for Federal employees in the sense that the new OMB circular A-76 allows the government instead of just providing cost estimates that are compared against competition among the private sector, it almost puts the government at a disadvantage. This allows them to compete on the same field. It allows them to be more innovative in competing with the outside companies, and I think, therefore, more likely to prevail. Government basically has a chance to respond to the private sector on the same grounds, something they do not get under the current A-76 circular and something in our hearings has been something they have complained about. That is thrown out the window with the gentleman's amendment.

Secondly, since OMB circular A-76 is not a regulation but it is simply an OMB circular, OMB can put out another provision tomorrow with minor revisions that we cannot touch. It could be worse, it could be better, but they do not have to go through the hearing process that they did by law to arrive at the conclusion they did here. So they could come back, issue a new circular tomorrow that would be very similar, could be more onerous, and we

could not stop that, and that is also a fear I have.

Right now we are in a mode where we are working with them where they are communicating with us, where they are making changes and reacting to some of the results of our hearings and congressional input. I fear if this goes, that the executive branch will exercise their prerogatives and will move ahead in something that I think could be more disadvantageous to Federal employees.

Finally, this process is fair in the sense that if the private sector wins a competition, the contractor has to give any displaced Federal employees a right of first refusal for jobs. The process provides for a 10 percent cost evaluation adjustment to the incumbent services provider, Federal employees in most instances, and Federal employees offers do not have to comply with small business requirements or in many cases have their past performance evaluated. Private sector companies do.

This is not about campaign contributions. I would add to the gentleman on the other side, contributions from unions have gone to the people who are for this amendment and for other dissimilar amendments. There are interest groups on all side of this issue, but let us do what is right for the taxpayers, let us do what is right for this country. Let us defeat the Van Hollen amendment.

The CHAIRMAN pro tempore (Mr. TERRY). All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, as the designee of the gentleman from Kansas (Mr. MORAN), who has not arrived yet, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Notwithstanding any other provision of this Act, for necessary expenses to carry out the essential air service program pursuant to 49 U.S.C. 41742(a), there is hereby appropriated \$63,000,000, to be derived from the airport and airway trust fund and to remain available until expended.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

When 9/11 hit this country, our airline industry had a crushing blow, and the part of it that is probably hurting the most is the commuter system out there that serves much of rural America. It is vital that we continue the essential air service program that helps them maintain service until they can build their business back up.

Currently, though inadvertently, this bill no longer has funding for essential air services. My amendment is very simple. I will keep it very short. My amendment restores the funding that was in the original committee markup, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS
OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds appropriated by this Act may be used by the Office of Management and Budget, under OMB Circular A-76 or any other administrative regulation, directive, or policy, to require agencies—

(1) to establish an inventory of inherently governmental activities performed by Federal employees;

(2) to establish or implement any streamlined competition procedures;

(3) to require any follow-on competition; or

(4) to implement the tradeoff source selection process for any activities other than information technology activities.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS.)

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that, if adopted, will ensure Federal employees are given an opportunity to compete on a level playing field during the Office of Management and Budget's continued efforts to privatize the Federal workforce.

In early 2001, the Office of Management and Budget directed all agencies, regardless of their needs or missions, to review for privatization at least 425,000 Federal employee jobs. More than 32,000 Federal employees, I should note, reside and work in south Florida.

On May 29, 2003, OMB finalized its controversial rewrite of the privatization process. It is referred to and has been talked about here as OMB circular A-76. Unlike previous revisions, this latest effort has generated an enormous amount of bipartisan criticism because of the significant changes that have been wrought which put Federal employees at a competitive disadvantage.

Mr. Chairman, taking jobs away from Federal employees without giving them the chance to compete is wrong, period. Yet circular A-76 does just that. In fact, contractors have said in writing that they believe as a result of OMB's revisions to circular A-76, the number of competitions won by Federal employees will dramatically decrease from 60 percent to perhaps 10 percent.

The amendment that I am offering today ensures that Federal employees receive a fair shake in any public private competition. It is fair, balanced and is supported by the American Federation of Government Employees, the AFLCIO and other major labor groups throughout the country.

Specifically, the amendment prohibits the use of funds appropriated by the Act to be used by OMB to require agencies to establish an inventory of inherently governmental activities performed by Federal employees or establish or implement any streamlined competition of less than 6 months.

The amendment also prohibits the use of funds to be used by OMB to conduct follow-up competitions for public-private competitions won by Federal employees, something not required in instances where services are contracted out, and the amendment still allows Federal agencies to experiment with outsourcing of information technology activities.

Mr. Chairman, my amendment does not impose a suspension on contracting out.

□ 1730

Instead, it is a fair compromise between the new OMB Circular A-76 and a complete prohibition against its use. I certainly hope that my colleagues will agree with me and vote "yes" on my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). Does anyone seek time in opposition?

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 15 minutes.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we just went through much of this same debate. Whether you are saying you are totally restricting it or partially restricting it, we are really talking about the same thing on the competitive sourcing process, the A-76 process. First, the amendment the

gentleman from Florida (Mr. HASTINGS) offers is not going to become law, because if it is in the bill, the President will veto the bill.

We have gone through this argument before in prior years. This is a very important initiative to the administration and to the taxpayers of the United States to allow the opportunity for government to be more efficient; to allow competitive sourcing that tells the private sector and the government sector, each of you sharpen your pencils and find the most cost-effective and efficient and successful way to do the work.

And typically we are not talking about things that are inherently governmental. We are talking about everything from food service contracts to building maintenance contracts, the kind of work that does not require someone to be a government employee either for issues of performance or safety or security. We are not competitive sourcing jobs that involve those areas.

If we want the taxpayers to save billions of dollars, if we want the typical savings of 20 to 30 percent, we should not be trying to restrict competition. Government too often claims a monopoly. We do this because we are the government and nobody has a chance to find a better way to do it. Give people that chance. Give people the opportunity. We should be defeating this amendment and allowing the administration to go forward with what is a very modest effort to improve the competitive sourcing process.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleague from Oklahoma, the chairman of this committee, is most sincere, as have been other persons. The gentleman from Virginia (Mr. TOM DAVIS), for example, was here when the Van Hollen amendment was on the floor, which I might add I support very vigorously. That is the Van Hollen amendment. Both of them, and others, and I see the gentleman from Virginia (Mr. TOM DAVIS) rise again, are likely to speak of wasteful government spending. I agree with them; this government has its fair share of wasteful spending. What I do disagree with, what the gentleman from Oklahoma (Mr. ISTOOK) just said is that if this measure is to pass that it will not become law because the President and his administration have indicated that they will veto the measure.

Mr. Chairman, I remind the gentleman from Oklahoma (Mr. ISTOOK) that we have a constitutional responsibility here, as does the President. The President can veto anything he wants to; and if we are of a mind, with two-thirds of the vote, we can override a Presidential veto. So it can be overridden and can become law, and there is a substantial number of people who feel it ought to become law.

Now then, I also would ask the chairman to take into consideration when he and I came to the United States Congress in 1992. Shortly thereafter, in 1994, the majority won the right to control the House of Representatives. And among the things that they said that were going to cost less by privatizing were such things as the printing that is done here at the House of Representatives, or at least was at that time, and the folding offices and other offices that have now been outsourced.

In addition to the inherent danger that exists by not having an in-house family, I defy anybody in the House of Representatives to tell me that the printing of their newsletters and other matters does not cost more now that it has been privatized. And there are other examples of that. One of the worst would be the Federal Aviation Authority. I am here to tell my colleagues that all of us that fly do not want to get on airplanes knowing that the people on the ground controlling that airplane's direction went to the lowest bidder.

Somewhere along the line, we have to come to our senses. Auctioning off 425,000 Federal employee jobs to the lowest bidder is not the way to produce savings. If we are to say that public-private competitions will produce savings, then that is fine. But Federal employees have the right to compete for their jobs in a nonpredetermined way, where real savings win out over cut-throat politics.

Federal employees do not want a free ride. They want a fair shot. My amendment does not halt the administration's efforts to reduce wasteful government spending. And every one of us uses that rhetoric ought to be about the business of trying to reduce wasteful government spending, including that done by the House of Representatives. In fact, it allows agencies to move forward with the implementation of Circular A-76.

What my amendment does do is ensure that Federal employees are given equal footing to the contractors they are bidding against in public-private competitions. It is time for open hunting season on Federal employees to end. Only then will we fully recognize what best value and cost savings really are.

I challenge the subcommittee Chair, my good friend, and he is my good friend, the gentleman from Virginia (Mr. TOM DAVIS), to tell me how it is that we here in the House of Representatives know more about what is good for Federal employees than the American Federation of Government Employees, AFL-CIO, the American Federation of State, County, and Municipal Employees, the Communication Workers of America, the International Association of Firefighters, the International Association of Machinists, the International Brotherhood of Teamsters, the International Federation of Professional and Technical Engineers, the Service Employees Union of Amer-

ica, the National Association of Government Employees, National Treasury Employees Union, Professional Airways Systems Specialists, Service Employees Union, and the United Auto Workers.

Somewhere along the line, some of us need to recognize that these people who are Federal employees probably know at least as much as those of us who are Federal employees by election know. I suggest among other things that not only does the gentleman from Virginia (Mr. TOM DAVIS) represent contractors, but so do I and 433 other Members of the House of Representatives. And not only he represent Federal employees, but so do I and 433 other House of Representatives Members. We all represent the constituency in America that should have a fair shot at low-cost and less wasteful spending, which their A-76 does not guarantee. And so, Mr. Chairman, I ask support of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I do not know where to start with my friend from Florida on this. I guess we can compare endorsements of his position on this and mine. He has listed a group of unions, some of them Federal employee unions, some who have nothing to do with Federal employment who are interested, obviously, in protecting their membership. We understand that, and that is a noble purpose.

Our purpose here is not to protect contractors; it is not to protect employees. It is to protect the taxpayers. And that is what competitive sourcing is all about, and trying to do it in an appropriate way that does not destroy the Federal workforce. In some cases, as I have said before, I am not comfortable with every aspect of what the administration has done. But we are working hard and we have language in this underlying legislation that addresses some of those concerns.

The Aerospace Industries Association, the American Congress on Surveying and Mapping, American Electronics Association, U.S. Chamber of Congress, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Contract Services Association of America, Design Professionals Coalition, Electronic Industries Alliance, and I can go on and on with National Defense Industrial Council and the National Federation of Independent Businesses support and oppose the gentleman's amendment. So we have groups on both sides that add value to this, and our job is to try to synthesize this.

Last year, I was part of a group in the House that struck down the administration's quotas, their goals that they were going to go out and competi-

tively source a certain percentage. I thought that was wrong. I thought that was an overreach. I thought they were biting off more than they could realistically chew and manage. And I think in some cases where they are today that issue can be addressed, but I do not think the gentleman's amendment addresses those concerns.

This would hamstring the Office of Management and Budget's new competitive sourcing process that was arrived at after weighing 700 comments, after going through the union recommendations of a council that included labor leaders and other government personnel.

Competitive sourcing, also known as public-private competition, is simply a process of determining if the government's commercial functions, like computer services, food services or maintenance, should be performed by Federal agencies or by private sector companies. Our job is to try to get the best services for the taxpayer, the best value, the lowest-cost value, the overall best value. One of the problems with the gentleman's amendment is it strikes at the heart of best-value determinations.

The Hastings amendment limits the agency's use of best value in determining whether a commercial function should be performed in-house or by the private sector. This does not make sense in my judgment, because under our acquisition system, the government buys its more sophisticated goods and services using this best-value method. It permits the government to consider quality as well as cost, and that helps Federal employees, because the quality element has to be clearly set forth in the solicitation. And cost, of course, has to be a factor, but value is not new. It has been used for decades by the government, and it makes no sense to limit its use here.

Our Federal employees ought to be able to use their experience and their expertise in high-quality performance to their advantage in public-private competition, and the gentleman's amendment takes that away. That is a concern. I think it is well meaning, but I think it takes away the advantage that incumbents who were performing this have in terms of quality. Commercial entities and private citizens would not buy services without considering the quality, so why should the government? And the gentleman's amendment strikes that.

Now is not the time to tinker with these revisions in this setting, in my opinion. Again, the revisions are the product of more than 2 years of efforts. Seven hundred comments were considered in the development of the new procedures. They incorporated the core recommendations of the Commercial Activities Panel. This panel, again, headed by the Comptroller General in a year-long effort, reviewed the competitive sourcing process, which was clearly flawed, and which all sides, from Federal employees to contractors to

taxpayers, everyone felt it was flawed and needed revamping. They issued recommendations, this panel did, for comprehensive changes to the process. These efforts resulted in the revisions to Circular A-76, which the gentleman now wishes to strike. It was issued on May 29.

We have held hearings on this. I have some concerns, as the gentleman does, about this as well; but I would rather not throw literally the baby out with the bath water, good things like competitive sourcing that come with this. We recently held a hearing to examine the recent revisions to the competitive sourcing A-76 process, and the Comptroller General testified that significant savings result no matter who wins the competition.

The Office of Management and Budget has just submitted a report to Congress on the methods used by the administration to measure agency progress in implementing the competitive sourcing initiative. OMB has pledged to keep Congress fully apprised of that progress and to conduct the initiative in an open and transparent manner. Let us give them a chance.

And, again, we have put some underlying language in this bill that puts some strict reporting requirements on the costs to the government of competitive sourcing so we can come back and properly evaluate this. This is something we did not have before.

The Hastings amendment derails the administration's efforts to increase the efficiency of government operations. You can say you are for efficiency, you can say you are against wasteful spending, but if you cannot compare how the government is providing a service to how someone else may be able to provide that same service, I do not know how you get at the waste, fraud and abuse. Because waste, fraud and abuse does not come in neatly tied packages in line items and budgets. It is marbled throughout the bureaucracy in the way we do business.

Competitive sourcing, particularly the new A-76 Circular, gives our government employees an opportunity to compete on an even basis under the Federal Acquisition Regulation, something they cannot do now. Right now they have to come up with projections and respond to competitive sourcing on the part of the private sector; the private sector winner is then compared against the government price. This allows them to compete even up, to be more innovative, and to, in many cases, improve the way employees deliver that service.

In my experience, I have found that some of the best savings and efficiencies we get do not come from the managers in the Federal Government or the higher-ups. They come from that employee out the window who is doing the job every day that may come up with that key idea or innovation in the way we can do this.

□ 1745

The new A-76 circular takes that into account and basically gives additional

empowerment to that employee at the window to be able to come forward with their ideas and incorporate those into the government bid. Under the old circular, that was not really the case.

I understand the gentleman's frustration. I think all of us feel a frustration, as I have said before. Our concern is constant competitive sourcing can hurt the recruitment and retention abilities to develop a strong Federal workforce, and yet it is a useful tool that needs to be employed. I think perhaps it has been overemployed. There are probably costs that we are not aware of at this point, but we have tried to get at this with underlying language, but I think the gentleman's amendment goes too far.

We want to harness the benefits of competition to produce superior performance for the taxpayer, regardless of who performs the service because at the end of the day, our job is to make sure that taxpayers are getting the best value for their dollar. The gentleman's amendment undermines our ability to do that, so I urge we vote against the Hastings amendment.

Mr. BACA. Mr. Chairman, I rise in support of the Hastings amendment.

I support this amendment because it will allow agencies to move forward with the implementation of Circular A-76.

This amendment does not end efforts to reduce wasteful government spending as many Republicans claim. It simply ensures that Federal employees are on a level playing field with the contractors they are bidding against.

Under the current draft of A-76, Federal employees are severely disadvantaged during any public-private competition.

This amendment is a moderate approach toward reforming the administrator's privatization process by prohibiting funds from being spent to penalize Federal employees and stifle the competitive process.

Federal employees don't want to be given an advantage, they simply want a fair shot.

I stand by Congressman HASTINGS and the Democrats who have consistently stood with Federal employees.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Florida:

Page 157, after line 2, insert the following new section:

SEC. 742. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.565(b)(2) of title 31, Code of Federal Regulations (relating to specific licenses for "people-to-people" educational exchanges), as published in the Federal Register on March 24, 2003.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, in March of this year, the Department of Treasury, Office of Foreign Asset Control, OFAC, proposed a regulation which would end licenses for travel to Cuba for educational purposes unless the travel consisted exclusively of students taking formal case work. This amendment blocks that proposed regulation from taking effect by blocking any funding to enforce it.

Earlier this year I traveled to Cuba with the gentleman from Arizona (Mr. KOLBE). We met with governmental officials, the Bishop of the Methodist Church, leading dissidents, including Vladimir Roca, Espinosa Chepe, and others.

I left there struck by the horrific plight of the Cuban people who are living of abject poverty deprived of any freedom or liberty we tend to take for granted here. I left there struck by the enormous talent and potential of the Cuban people; and finally, I left there struck by how much we have in common, folks in my home, the Tampa Bay area and Florida, with the Cuban people.

I also left there with the resolve that because of the miserable relationship between the two countries, it is more important than ever that we as United States citizens reach out to the Cuban people to help them deal with this very horrific plight they are living in today. Shortly after I returned, the relationship between the two governments deteriorated even further with an unprecedented really horrific crackdown by Fidel Castro of some of the people I met with. Three of the people I met with have been sentenced to prison, perhaps for the rest of their lives, and countless others were sentenced to prison simply because of their fight for freedom.

I believe today what we need to do as the House of Representatives is to preserve the ability of United States citizens to travel to Cuba for purposeful contact with the Cuban people to help them help themselves. Educational institutions, churches, not-for-profits have been engaged in this type of travel for years under the educational license that OFAC provides.

The proposed regulation was proposed to punish Fidel Castro for the horrific things he has done. I think the House of Representatives should block that regulation because it, in effect, punishes the Cuban people. Let me cite some examples why: There are universities that are taking teachers down to meet with teachers in Cuba to have an exchange. That could be potentially blocked if this new regulation is not stopped. There are cultural exchanges where people in my community are trying to encourage artists and other creative people from Cuba to travel to the United States and people from the United States to travel to Cuba to build bridges. There are doctor-to-doctor exchanges focused on women health that have been taking place, and lawyer-to-lawyer exchanges focused on helping improve the civil justice system.

All these exchanges which clearly benefit the Cuban people could effectively be brought to an end if this regulation is not blocked. These are the type of exchanges and the purposeful type of travel to Cuba we should be encouraging at this time when Fidel Castro is engaged in a horrific crackdown of his own people. We should not be afraid to export democracy to Cuba, and I urge the House to adopt this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the Davis amendment. Earlier this year after careful review and examination of 4 years of data of so-called educational exchanges, the Departments of State and Treasury determined that nondegree travel is subject to manipulation and control by the Castro dictatorship and its tourism industries in order to meet the regime's political and economic agenda. The objective of the new regulations is for travel to support the Cuban people and not the dictatorship that enslaves and oppresses them day in and day out.

The Davis amendment seeks to repeal this restriction and allow the facade to continue. The regulations implemented in March of this year and which this amendment seeks to repeal are to prevent what Members see here. This is Varadero Beach in Cuba. This article, which appeared in the September 3 edition of the Washington Post Express goes on to say, "The rumba party is not over yet for U.S. travelers to Cuba, but it may be time to grab that last dance." The article explains how the March regulations have sent the so-called nonprofits "scrambling to redesign their tours" to qualify under the legitimate categories of people-to-people exchanges. Just

doctor up the brochures, they are still junkets, they are still for tourists, just dress it up so it appears to be an educational exchange, people to people.

Again, this picture is worth a thousand words because it clearly unveils what this amendment and others offered here today are truly about. It is not to educate the Cuban people about freedom and democracy, it is to have tourism dollars flow to Fidel Castro, and this is people-to-people contact. This is education. When tourists meet the cabana boy and he gives them a beach towel, they are going to export democracy to Cuba? No, they are going to fuel the Castro dictatorship regime which goes to oppress the Cuban people. Vote against the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself 2 minutes.

What the March regulations by President Bush have sought to do is to eliminate fraud and abuse by those who, under the guise of promoting educational travel, and of course, that is legal to the communist island have used that as a subterfuge for other reasons, fraudulently abusing the regulations.

For example, here is a brochure. This is precisely what President Bush sought to eliminate in the March regulations. This is an 8- or 9-year-old girl with makeup, eyeliner, and lipstick. Unfortunately, the regime in Cuba encourages child prostitution and there is significant trafficking in that tourism. That is something that President Bush has sought to eliminate by entities using the guise of educational travel, for example, which promote this kind of sickening tourism.

Our colleague from Florida pointed out how blatant tourism also is encouraged under the guise of educational travel. Again, educational travel, cultural travel, that is legal, but what President Bush's regulations in March sought to do was to end the fraud and abuse of entities that are simply seeking to encourage revenue for the regime and in the process do horrendous things such as this.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think it is clear this is not a debate about tourism, and it is not a debate about illicit activity. It is about whether certain kinds of educational activities can occur. It is fair to point out that there is abuse as the gentlewoman from Florida (Ms. ROS-LEHTINEN) noticed.

I think both sides can agree that OFAC is perfectly willing to deny applications for licenses where they see fit. That is painfully clear. And where there is abuse and fraud, OFAC can do its job and deny a license. OFAC has the authority conferred upon it by Congress to impose both civil and criminal

penalties in cases of fraud. That is not the issue.

The question is whether the types of examples I have cited, the exchanges where universities are taking teachers down there who do not happen to be students engaged in formal case work, instances where doctors or lawyers are going down there on a peer-to-peer basis should be allowed to continue. There can be no basis to deny that does benefit the Cuban people, and should be something that ought to be allowed to continue.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the issues that the gentleman from Florida (Mr. DAVIS) mentioned are still legal without his amendment. The rule change was to get rid of abuses, and the abuses we are talking about are very unfortunate. They include pedophilia and sex tourism, and those are the abuses that the new rules were implemented to stop.

Let me be very clear. All these amendments that we are seeing today basically have one effect and one effect alone, to send more dollars to anti-American terrorist just 90 miles away from the United States who has said that he wants to destroy the United States, who has shot down unarmed American airplanes in international air space, and who has done everything in his power to enslave his people and to try to hurt the United States. All these amendments do is send more money to this terrorist regime at a time when we are at war with terrorists around the world.

I agree with our President when he said you are either with us or with the terrorists. These amendments, with all due respect, unfortunately, are sending more funds to a terrorist regime and this particular amendment gets rid of some regulations to stop abuse, including those that go to Cuba with the excuse of going for educational reasons, and they go unfortunately in many cases for sexual tourism, including the most tragic and savage of them all, including pedophilia, which is sanctioned by the government of Cuba.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself the balance of my time.

I think it is perfectly clear this is not a debate about the types of illicit activity that have been mentioned on the other side. It is not a debate about terrorism. It is a debate about whether certain types of educational activities should be allowed to continue which I believe benefit the Cuban people, and there has been no suggestion to the contrary, a peer-type relationship.

We need to begin to help the Cuban people plant the seeds of democracy in their country. Goodness knows, it is a terrific task for them to undertake given how repressive this regime is. I saw firsthand the plight of the Cuban

people. My heart went out to them. We cannot ignore that. We need to reach out and use United States citizens to help build democracy, the same way democracy was built in this country.

□ 1800

Ultimately, people are the bridges between countries. It is those relationships that will once again, once Fidel Castro is gone, bring us closer to Cuba and help us grow together as democracies. We cannot build those relationships, we cannot see them grow unless we continue to have the type of purposeful travel, the type of contact that I have described today. And I would urge my colleagues to adopt this amendment, so we can continue, at a minimum, to allow people who are trying to help the Cuban people travel to Cuba to do so.

I urge the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available under this Act may be used by the National Railroad Passenger Corporation unless the Corporation submits all quarterly and annual reports required by law in accordance with the standards applicable to reports under Public Law 107-204).

Mr. OLVER. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment. It says that none of the funds made available under this act may be used by the National Railroad Passenger Corporation unless the corporation submits all quarterly and annual reports required by law in accordance with the standards applicable to reports under Public Law 107-204.

Public Law 107-204 is basically the Sarbanes-Oxley corporate reporting legislation that was passed after the

Congress and the American people realized the extent of the problems brought about by the Enron scandal. In Enron, we had an instance where about \$600 million, less than \$1 billion, of investor money was lost through private investments in a corporation.

We have a corporation that was created, again the National Railroad Passenger Corporation, also known as Amtrak, almost every year for the last 4 or 5 years, they have lost \$1 billion or in that neighborhood. Much of this is subsidized by the taxpayer. Hard-working Americans send their dollars to Washington, and not a whimper has been heard about the lost money or unaccounted-for money in Amtrak.

We passed a law that required corporations across the land, and Amtrak is a corporation, this rail corporation, even by its name I just cited, is a corporation and all this says, that existing current law, nothing new, nothing greater, that was passed by this Congress for transparency, for accountability, be also known and be it clear that Amtrak is required to report on the same basis.

We think it is very important. I will tell you why it is important. Again, as a member of the Subcommittee on Railroads under the Committee on Transportation and Infrastructure, let me just cite some of the things that the General Accounting Office 2000 report gave to our committee and to Congress. It found that Amtrak did not know its route-by-route costs of its mail and express program because it never separately identified these costs. It said in the report, according to an Amtrak official, Amtrak still has a long way to go in producing reliable mail and express financial information and in understanding the true cost of this business.

Again, Amtrak is a corporation that has a board of directors, it has an employee stock ownership plan, it has assets and liabilities, and it also has taxpayer money coming into the program. We cannot tell, according to the GAO report, its finances. So I think it is long overdue that we take a step such as this and require that they comply with existing law that all other corporations must comply with. The report further went on and looked at a review of Amtrak's expenditure of \$2.2 billion in Federal funds from the 1997 Taxpayer Relief Act. It found that Amtrak could not determine how it was spending its Federal funds, nor was Amtrak able to ensure that its spending was allowed under Federal law.

So Amtrak, according to the Inspector General, does not even know what it is required to do under existing law. This is merely a clarifying, enunciating statement by this Congress that the same disclosure, the same standards that we require for corporations, it is clear that Amtrak as a corporation must also comply with. In fact, the report goes on to say that at one time Amtrak did not even have a process in place to review its spending

practices. So we have questions again raised, and this is not something I made up. This is a General Accounting Office February 2000 report, telling us that there is not clarity in which laws or even which standards of reporting at Amtrak.

We are not creating any new law under this particular provision. What we are doing is saying that Amtrak, that is taking a huge amount of taxpayer money, in the billions, going into debt in addition to the money that Congress is appropriating in the billions, and we are not able to say that it even complies with existing law. So this is a requirement to have Amtrak comply with existing law.

Why should Amtrak not be held to the same standards and accountability and reporting requirements that Congress has imposed on corporate America? That is the question I leave before the House.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Massachusetts insist on his point of order?

Mr. OLVER. Yes, Mr. Chairman. My point of order is that this proposes to change existing law and constitutes legislating in an appropriation bill, and, therefore, violates clause 2 of rule XXI.

I insist upon my point of order.

The CHAIRMAN pro tempore. Does anyone wish to speak on the point of order?

Mr. MICA. To the point?

The CHAIRMAN pro tempore. Yes, to the point of order. The gentleman from Florida wishes to speak on the point of order. The gentleman is recognized.

Mr. MICA. Mr. Chairman, on this point, I am an authorizer, and I am very much aware that we do not want to authorize on appropriations measures, so we tried to craft this measure very carefully. In crafting it, we have used language that says, and again I quote from my amendment, in accordance with standards applicable to reports under Public Law 107-204. Public Law 107-204 is a law that applies to corporations in the United States of America. I have a copy of that here. Amtrak is the National Passenger Rail Corporation. It has a board of directors. It has an employee stock ownership plan. It has assets and liabilities. Additionally, it is taxpayer-funded. We have not gone outside of the parameters of existing law. There is a question, it appears from the General Accounting Office reports that I have cited, that Amtrak does not know what the bounds of the current laws are. This particular report was done prior to the passage of the Sarbanes-Oxley legislation, Public Law 107-204. Again we are not requiring any new legislation, any new law. We are stating again that none of the funds made available under this act would be used by this corporation unless the corporation submits their quarterly and annual reports as required by law and in accordance with the standards of an existing

law, merely clarifying, and I think it is an important point here that we make, that we do not go beyond any existing law requirements.

The CHAIRMAN pro tempore. Does anyone else wish to speak on this point of order?

It is the opinion of the Chair that the gentleman from Florida has been unable to carry his burden of proving that the standards in the relevant statute are already applicable to reports by the Corporation. Barring that proof, the Chair is constrained to find that the amendment would make these standards applicable. By making standards apply that are not otherwise applicable, the amendment changes law in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

Are there further amendments?

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MICA) having assumed the chair, Mr. TERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 2989, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 11 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GREEN of Wisconsin) at 6 o'clock and 33 minutes p.m.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to

House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1833

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Florida (Mr. MICA) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from Colorado (Mr. HEFLEY); amendment No. 24 offered by the gentleman from Texas (Mr. SESSIONS); the amendment offered by the gentleman from Arizona (Mr. FLAKE); Amendment No. 2 offered by the gentleman from Massachusetts (Mr. DELAHUNT); the amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 5 offered by the gentleman from Florida (Mr. HASTINGS); the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN); and the amendment offered by the gentleman from Florida (Mr. DAVIS).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5 minute votes.

AMENDMENT NO. 6 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the Amendment No. 6 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 326, not voting 21, as follows:

[Roll No. 481]

AYES—87

Akin	Barton (TX)	Blunt
Bachus	Bass	Brady (TX)
Baker	Beauprez	Brown-Waite,
Barrett (SC)	Bilirakis	Ginny
Bartlett (MD)	Blackburn	Burton (IN)

Buyer	Hart
Cannon	Hayes
Chabot	Hefley
Chocola	Hensarling
Coble	Herger
Collins	Houghton
Cox	Hunter
Crane	Isakson
Davis (TN)	Jenkins
Davis, Jo Ann	Johnson, Sam
Deal (GA)	Jones (NC)
DeMint	Kirk
Diaz-Balart, M.	Lewis (KY)
Duncan	Linder
Everett	Miller (FL)
Feeney	Miller, Gary
Flake	Musgrave
Forbes	Norwood
Franks (AZ)	Nunes
Garrett (NJ)	Otter
Gibbons	Oxley
Goodlatte	Paul
Green (WI)	Pence
Gutknecht	Petri
Hall	Pitts

NOES—326

Abercrombie	Deutsch	Kaptur
Ackerman	Diaz-Balart, L.	Kelly
Aderholt	Dicks	Kennedy (MN)
Alexander	Dingell	Kennedy (RI)
Allen	Doggett	Kildee
Baca	Dooley (CA)	Kilpatrick
Baird	Doyle	Kind
Baldwin	Dreier	King (IA)
Ballance	Dunn	King (NY)
Ballenger	Ehlers	Kingston
Becerra	Emanuel	Klecza
Bell	Engel	Kline
Bereuter	English	Kolbe
Berkley	Eshoo	LaHood
Berman	Etheridge	Lampson
Berry	Evans	Langevin
Biggert	Farr	Lantos
Bishop (GA)	Fattah	Larsen (WA)
Bishop (NY)	Ferguson	Larson (CT)
Bishop (UT)	Filner	Latham
Blumenauer	Fletcher	LaTourette
Boehlert	Foley	Leach
Boehner	Ford	Lee
Bonilla	Frank (MA)	Levin
Bonner	Frelinghuysen	Lewis (CA)
Bono	Frost	Lewis (GA)
Boozman	Gallegly	Lipinski
Boswell	Gerlach	LoBiondo
Boucher	Gilchrest	Lofgren
Boyd	Gillmor	Lowe
Bradley (NH)	Gingrey	Lucas (KY)
Brady (PA)	Gonzalez	Lucas (OK)
Brown (OH)	Goode	Lynch
Brown (SC)	Gordon	Majette
Brown, Corrine	Goss	Maloney
Burgess	Granger	Manzullo
Burns	Green (TX)	Markey
Burr	Greenwood	Marshall
Calvert	Grijalva	Matheson
Camp	Gutierrez	Matsui
Cantor	Harman	McCarthy (MO)
Capito	Harris	McCarthy (NY)
Capps	Hastings (FL)	McCollum
Capuano	Hastings (WA)	McCotter
Cardin	Hayworth	McCrery
Cardoza	Hill	McDermott
Carson (IN)	Hinchey	McGovern
Carson (OK)	Hinojosa	McInnis
Carter	Hobson	McIntyre
Case	Hoeffel	McKeon
Castle	Holden	McNulty
Clyburn	Holt	Meehan
Cole	Honda	Meek (FL)
Conyers	Hooley (OR)	Meeks (NY)
Cooper	Hostettler	Menendez
Costello	Hoyer	Mica
Cramer	Hulshof	Michaud
Crenshaw	Hyde	Millender-
Crowley	Inslee	McDonald
Cubin	Israel	Miller (MI)
Culberson	Issa	Miller (NC)
Cunningham	Istook	Miller, George
Davis (AL)	Jackson (IL)	Mollohan
Davis (CA)	Jackson-Lee	Moore
Davis (FL)	(TX)	Moran (KS)
Davis (IL)	Jefferson	Moran (VA)
Davis, Tom	John	Murphy
DeFazio	Johnson (CT)	Murtha
DeGette	Johnson (IL)	Myrick
Delahunt	Johnson, E. B.	Nadler
DeLauro	Jones (OH)	Napolitano
DeLay	Kanjorski	Neal (MA)

Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez

Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland

Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Clay
Cummings
Doolittle
Edwards
Emerson
Fossella

Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich

McHugh
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1854

Messrs. FROST, SHAYS and FRANK of Massachusetts changed their vote from “aye” to “no.”

Mr. EVERETT changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 24 OFFERED BY MR. SESSIONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 282, not voting 22, as follows:

[Roll No. 482]
AYES—130

Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Bonilla
Boozman
Brady (TX)
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Everett
Feeney
Flake
Fletcher

Forbes
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Granger
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Jones (OH)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle

Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Putnam
Radanovich
Ramstad
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Wamp
Weldon (FL)
Wilson (SC)

NOES—282

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burton (IN)
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clyburn
Cole

Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrist
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva

Gutierrez
Harman
Hart
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)

Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz

Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Sherman
Sherwood
Shimkus
Shuster

Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Turner (OH)
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Clay
Cummings
Diaz-Balart, L.
Doolittle
Emerson
Fossella
Gephardt
Graves

Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
McInnis
Rangel

Reynolds
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1903

Mr. CHOCOLA changed his vote from “aye” to “no.”

Mr. TIBERI and Mr. HALL changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 188, not voting 19, as follows:

[Roll No. 483]

AYES—227

Abercrombie Hefley
 Alexander Henger
 Allen Hill
 Baca Hinchey
 Baird Hinojosa
 Baldwin Hoeffel
 Ballance Holden
 Bass Holt
 Becerra Honda
 Bell Hooley (OR)
 Bereuter Hostettler
 Berman Houghton
 Berry Hoyer
 Biggert Inslee
 Bishop (GA) Israel
 Bishop (NY) Issa
 Blumenauer Jackson (IL)
 Boehlert Jackson-Lee
 Bono (TX)
 Boozman Jefferson
 Boswell John
 Boucher Johnson (CT)
 Boyd Johnson (IL)
 Brady (PA) Johnson, E. B.
 Brady (TX) Jones (OH)
 Brown (OH) Kanjorski
 Camp Kaptur
 Capps Kildee
 Capuano Kilpatrick
 Cardin Kind
 Cardoza Kleczka
 Carson (IN) Kolbe
 Carson (OK) LaHood
 Castle Lampson
 Clyburn Langevin
 Conyers Lantos
 Cooper Larsen (WA)
 Costello Larson (CT)
 Cramer Latham
 Crowley LaTourette
 Davis (AL) Leach
 Davis (CA) Lee
 Davis (IL) Levin
 Davis (TN) Lewis (GA)
 DeFazio Lofgren
 DeGette Lowey
 Delahunt Lucas (KY)
 DeLauro Lynch
 DeMint Majette
 Dicks Maloney
 Dingell Manzullo
 Doggett Markey
 Dooley (CA) Marshall
 Doyle Matheson
 Edwards Matsui
 Ehlers McCarthy (MO)
 Emanuel McCarthy (NY)
 Eshoo McCollum
 Etheridge McDermott
 Evans McGovern
 Everett McIntyre
 Farr McNulty
 Fattah Meehan
 Filner Meeks (NY)
 Flake Michaud
 Fletcher Millender-
 Ford McDonald
 Frank (MA) Miller (NC)
 Frost Miller, George
 Gallegly Mollohan
 Gonzalez Moore
 Gordon Moran (KS)
 Greenwood Moran (VA)
 Grijalva Nadler
 Gutierrez Napolitano
 Hall Neal (MA)
 Harman Nethercutt

NOES—188

Ackerman Bonilla
 Aderholt Bonner
 Akin Bradley (NH)
 Andrews Brown (SC)
 Bachus Brown, Corrine
 Baker Brown-Waite,
 Ballenger Ginny
 Barrett (SC) Burgess
 Bartlett (MD) Burns
 Barton (TX) Burr
 Beauprez Burton (IN)
 Berkley Buyer
 Bilirakis Calvert
 Bishop (UT) Cannon
 Blackburn Cannon
 Blunt Cantor
 Boehner Capito
 Carter

Ney
 Nussle
 Oberstar
 Obey
 Oliver
 Osborne
 Otter
 Owens
 Oxley
 Pastor
 Paul
 Payne
 Pelosi
 Peterson (MN)
 Peterson (PA)
 Pickering
 Pomeroy
 Price (NC)
 Rahall
 Ramstad
 Rehberg
 Reyes
 Rodriguez
 Rogers (KY)
 Ross
 Roybal-Allard
 Rumpert
 Rush
 Ryan (OH)
 Ryan (WI)
 Sabo
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Sandlin
 Schakowsky
 Schiff
 Scott (GA)
 Scott (VA)
 Shays
 Sherman
 Shimkus
 Slaughter
 Smith (MI)
 Smith (WA)
 Snyder
 Solis
 Spratt
 Stark
 Stenholm
 Strickland
 Stupak
 Tanner
 Tauscher
 Taylor (MS)
 Terry
 Thompson (CA)
 Thompson (MS)
 Tiberi
 Tierney
 Toomey
 Turner (TX)
 Udall (NM)
 Upton
 Van Hollen
 Visclosky
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Weldon (PA)
 Whitfield
 Wilson (NM)
 Wynn

Deutsch
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Engel
 English
 Feeney
 Ferguson
 Foley
 Forbes
 Franks (AZ)
 Frelinghuysen
 Garrett (NJ)
 Gerlach
 Gibbons
 Gilchrest
 Gillmor
 Gingrey
 Goode
 Goodlatte
 Goss
 Granger
 Green (TX)
 Green (WI)
 Gutknecht
 Harris
 Hart
 Hastings (FL)
 Hastings (WA)
 Hayes
 Hayworth
 Hensarling
 Hobson
 Hulshof
 Hunter
 Hyde
 Isakson
 Istook
 Jenkins
 Johnson, Sam
 Jones (NC)
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 King (IA)

Clay
 Cummings
 Doolittle
 Dunn
 Emerson
 Fossella
 Gephardt

King (NY)
 Kingston
 Kirk
 Kline
 Lewis (CA)
 Lewis (KY)
 Linder
 Lipinski
 LoBiondo
 Lucas (OK)
 McCotter
 McCrery
 McHugh
 McInnis
 McKeon
 Meek (FL)
 Menendez
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Murphy
 Murtha
 Musgrave
 Myrick
 Neugebauer
 Northup
 Norwood
 Nunes
 Ortiz
 Ose
 Pallone
 Pascrell
 Pearce
 Pence
 Petri
 Pitts
 Platts
 Pombo
 Porter
 Portman
 Pryce (OH)
 Putnam
 Quinn
 Radanovich
 Regula

NOT VOTING—19

Graves
 Hoekstra
 Janklow
 Keller
 Knollenberg
 Kucinich
 Rangel

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).
 Members are advised there are 2 minutes remaining on this vote.

□ 1910

So the amendment was agreed to.
 The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRAVES, Mr. Chairman, on rollcall Nos. 481, 482, and 483, my flight was delayed. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. DELAHUNT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 196, not voting 16, as follows:

[Roll No. 484]

AYES—222

Abercrombie
 Alexander
 Allen
 Baca
 Baird
 Baldwin
 Ballance
 Bass
 Becerra
 Bell
 Bereuter
 Berman
 Berry
 Biggert
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boehlert
 Bono
 Boozman
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brady (TX)
 Brown (OH)
 Brown, Corrine
 Camp
 Capps
 Capuano
 Cardin
 Cardoza
 Carson (IN)
 Carson (OK)
 Castle
 Clay
 Clyburn
 Conyers
 Cooper
 Costello
 Crowley
 Cubin
 Davis (AL)
 Davis (CA)
 Davis (FL)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Dooley (CA)
 Doyle
 Ehlers
 Emanuel
 Eshoo
 Etheridge
 Evans
 Farr
 Fattah
 Filner
 Flake
 Fletcher
 Ford
 Frank (MA)
 Frost
 Gallegly
 Gonzalez
 Gordon
 Greenwood
 Grijalva
 Gutierrez
 Hall
 Harman
 Gutierrez
 Hall
 Harman
 Hill
 Hinchey
 Hinojosa
 Hoeffel
 Holden
 Holt
 Honda
 Hooley (OR)
 Hostettler
 Houghton
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 Price (TX)
 Jefferson
 John
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Jones (OH)
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick
 Kind
 Kleczka
 Kolbe
 LaHood
 Lampson
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Latham
 Leach
 Lee
 Levin
 Lewis (GA)
 Lipinski
 Lofgren
 Lowey
 Lynch
 Majette
 Maloney
 Manzullo
 Markey
 Marshall
 Matheson
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McNulty
 Meehan
 Meeks (NY)
 Michaud
 Millender-
 McDonald
 Miller (NC)
 Miller, George
 Mollohan
 Moore
 Moran (KS)
 Moran (VA)
 Murtha
 Nadler
 Napolitano
 Neal (MA)
 Nethercutt

NOES—196

Bradley (NH)
 Brown (SC)
 Brown-Waite,
 Ginny
 Burgess
 Burns
 Burr
 Burton (IN)
 Buyer
 Calvert
 Cannon
 Cantor
 Capito
 Carter
 Case
 Chabot
 Chocola
 Coble
 Cole
 Collins
 Cox
 Crane
 Crenshaw
 Culberson
 Cunningham
 Davis, Jo Ann
 Davis, Tom
 Deal (GA)
 DeLay
 DeMint
 Deutsch
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Dunn
 Edwards
 Engel

English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra

□ 1917

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 160, not voting 16, as follows:

[Roll No. 485]

AYES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Tiebout
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Costello
Cramer
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inlee
Israel

NOES—160

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggart
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite,
Ginny
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola

Pascarell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wu
Wynn
Young (FL)

Kennedy (MN)
King (IA)
Kirk
Kline
Kolbe
Lewis (CA)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Norwood
Nunes
Osborne
Oxley
Pearce
Pence
Pickering
Pitts
Pombo
Porter
Portman
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1926

Messrs. MILLER of North Carolina, BURGESS, and ROGERS of Alabama changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 211, not voting 18, as follows:

[Roll No. 486]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Cramer

Crowley	Kennedy (RI)	Payne	Linder	Pickering	Simpson	Filner	Lewis (KY)	Rodriguez
Davis (AL)	Kildee	Pelosi	Lucas (OK)	Pitts	Smith (MI)	Fletcher	Lipinski	Ross
Davis (CA)	Kilpatrick	Peterson (MN)	Manzullo	Platts	Smith (TX)	Ford	LoBiondo	Rothman
Davis (FL)	Kind	Pomeroy	McCotter	Pombo	Smith (WA)	Frank (MA)	Lofgren	Royal-Ballard
Davis (IL)	Klecza	Price (NC)	McCrery	Porter	Souder	Frost	Lowey	Ruppersberger
Davis (TN)	LaHood	Quinn	McInnis	Portman	Stearns	Gonzalez	Lucas (KY)	Rush
DeFazio	Lampson	Rahall	McKeon	Pryce (OH)	Stenholm	Gordon	Lynch	Ryan (OH)
DeGette	Langevin	Reyes	Mica	Putnam	Sullivan	Green (TX)	Majette	Sabo
Delahunt	Lantos	Rodriguez	Miller (FL)	Radanovich	Tancredo	Grijalva	Maloney	Sanchez, Linda
DeLauro	Larsen (WA)	Ross	Miller (MI)	Ramstad	Tauzin	Gutierrez	Markey	T.
Deutsch	Larson (CT)	Rothman	Miller, Gary	Regula	Terry	Gutknecht	Marshall	Sanchez, Loretta
Diaz-Balart, L.	Lee	Roybal-Allard	Moran (KS)	Rehberg	Thomas	Hall	Matheson	Sanders
Dicks	Levin	Ruppersberger	Moran (VA)	Renzi	Thornberry	Harman	Matsui	Sandlin
Dingell	Lewis (GA)	Rush	Murphy	Reynolds	Tiahrt	Hastings (FL)	McCarthy (MO)	Saxton
Doggett	Lewis (KY)	Ryan (OH)	Musgrave	Rogers (AL)	Tiberi	Hill	McCarthy (NY)	Schakowsky
Doyle	Lipinski	Sabo	Myrick	Rogers (KY)	Toomey	Hinchey	McCollum	Schiff
Edwards	LoBiondo	Sanchez, Linda	Nethercutt	Rogers (MI)	Turner (OH)	Hinojosa	McDermott	Scott (GA)
Emanuel	Lofgren	T.	Neugebauer	Rohrabacher	Upton	Hoeffel	McGovern	Scott (VA)
Engel	Lowey	Sanchez, Loretta	Ney	Ros-Lehtinen	Vitter	Holden	McHugh	Sherman
English	Lucas (KY)	Sanders	Northup	Royce	Walsh	Holt	McIntyre	Shimkus
Eshoo	Lynch	Sandlin	Norwood	Ryan (WI)	Wamp	Honda	McNulty	Shuster
Etheridge	Majette	Schakowsky	Nunes	Ryun (KS)	Weldon (FL)	Hooley (OR)	Meehan	Simmons
Evans	Maloney	Schiff	Nussle	Saxton	Weldon (PA)	Hostettler	Meek (FL)	Skelton
Farr	Markey	Scott (GA)	Osborne	Schrock	Weller	Hoyer	Meeks (NY)	Slaughter
Fattah	Marshall	Scott (VA)	Ose	Sensenbrenner	Whitfield	Inslee	Menendez	Smith (NJ)
Filner	Matheson	Scott (VA)	Otter	Sessions	Wicker	Israel	Michaud	Snyder
Ford	Matsui	Sherman	Oxley	Shadegg	Wilson (NM)	Jackson (IL)	Millender-	Solis
Frank (MA)	McCarthy (MO)	Shimkus	Paul	Shaw	Wilson (SC)	Jackson-Lee	McDonald	Spratt
Frost	McCarthy (NY)	Skelton	Pearce	Shays	Wolf	(TX)	Miller (NC)	Stark
Gonzalez	McCollum	Slaughter	Pence	Sherwood	Young (AK)	Jefferson	Miller, George	Stenholm
Gordon	McDermott	Smith (NJ)	Peterson (PA)	Shuster	Young (FL)	Jenkins	Mollohan	Strickland
Green (TX)	McGovern	Snyder	Petri	Simmons		Johnson (IL)	Moore	Stupak
Grijalva	McHugh	Solis				Johnson, E. B.	Moran (VA)	Sweeney
Gutierrez	McIntyre	Spratt	Brown, Corrine	Hoekstra	Serrano	Jones (NC)	Murtha	Tanner
Harman	McNulty	Stark	Cummings	Janklow	Towns	Jones (OH)	Nadler	Tauscher
Hastings (FL)	Meehan	Strickland	Doolittle	Keller	Turner (TX)	Kanjorski	Napolitano	Taylor (MS)
Hill	Meek (FL)	Stupak	Emerson	Knollenberg	Udall (CO)	Kaptur	Neal (MA)	Thompson (CA)
Hinchey	Meeks (NY)	Sweeney	Fossella	Kucinich	Velazquez	Kelly	Oberstar	Thompson (MS)
Hinojosa	Menendez	Tanner	Gephardt	Rangel	Woolsey	Kennedy (RI)	Obey	Tierney
Hoeffel	Michaud	Tauscher				Kilpatrick	Olver	Udall (NM)
Holden	Millender-	Taylor (MS)				Kind	Ortiz	Van Hollen
Holt	McDonald	Taylor (NC)				Klecza	Owens	Visclosky
Honda	Miller (NC)	Thompson (CA)				Lampson	Pallone	Waters
Hooley (OR)	Miller, George	Thompson (MS)				Langevin	Pascrell	Watson
Hostettler	Mollohan	Tierney				Lantos	Pastor	Watt
Hoyer	Moore	Udall (NM)				Larsen (WA)	Payne	Waxman
Inslee	Murtha	Van Hollen				Larson (CT)	Pelosi	Weiner
Israel	Nadler	Visclosky				Latham	Peterson (MN)	Wexler
Jackson (IL)	Napolitano	Walden (OR)				Leach	Price (NC)	Wolf
Jackson-Lee	Neal (MA)	Waters				Lee	Quinn	Wu
(TX)	Oberstar	Watson				Levin	Rahall	Wynn
Jefferson	Obey	Watt				Lewis (GA)	Reyes	
Johnson (IL)	Olver	Waxman						
Johnson, E. B.	Ortiz	Weiner						
Jones (NC)	Owens	Wexler						
Jones (OH)	Pallone	Wu						
Kanjorski	Pascrell	Wynn						
Kaptur	Pastor							

NOT VOTING—18

□ 1933

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VAN HOLLEN

THE CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

THE CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

THE CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 198, not voting 16, as follows:

[Roll No. 487]

AYES—220

Aderholt	Coble	Goss	Abercrombie	Brady (PA)	Davis (FL)
Akin	Cole	Granger	Ackerman	Brown (OH)	Davis (IL)
Bachus	Collins	Graves	Alexander	Brown, Corrine	Davis (TN)
Baker	Cooper	Green (WI)	Allen	Burr	Davis, Jo Ann
Ballenger	Cox	Greenwood	Andrews	Capito	DeFazio
Barrett (SC)	Crane	Gutknecht	Baca	Capps	DeGette
Bartlett (MD)	Crenshaw	Hall	Baird	Capuano	Delahunt
Barton (TX)	Cubin	Harris	Baldwin	Cardin	DeLauro
Bass	Culberson	Hart	Ballance	Cardoza	Deutsch
Beauprez	Cunningham	Hastings (WA)	Becerra	Carson (IN)	Dicks
Biggert	Davis, Jo Ann	Hayes	Bell	Carson (OK)	Dingell
Bilirakis	Davis, Tom	Hayworth	Bereuter	Case	Doggett
Bishop (UT)	Deal (GA)	Hefley	Berkley	Clay	Dooley (CA)
Blackburn	DeLay	Hensarling	Berman	Clyburn	Doyle
Blunt	DeMint	Herger	Berry	Collins	Edwards
Boehner	Diaz-Balart, M.	Hobson	Bishop (GA)	Conyers	Emanuel
Bonilla	Dooley (CA)	Houghton	Bishop (NY)	Cooper	Engel
Bonner	Dreier	Hulshof	Berkley	Costello	Eshoo
Bono	Duncan	Hunter	Berman	Cramer	Etheridge
Boozman	Dunn	Hyde	Berry	Crowley	Evans
Bradley (NH)	Ehlers	Isakson	Bishop (GA)	Davis (AL)	Farr
Brady (TX)	Everett	Issa	Bishop (NY)	Davis (CA)	Fattah
Brown (SC)	Feeney	Istook	Bowwell		
Brown-Waite,	Ferguson	Jenkins	Boucher		
Ginny	Flake	John	Boyd		
Burgess	Fletcher	Johnson (CT)			
Burns	Foley	Johnson, Sam			
Burr	Forbes	Kelly			
Burton (IN)	Franks (AZ)	Kennedy (MN)			
Buyer	Frelinghuysen	King (IA)			
Calvert	Gallely	King (NY)			
Camp	Garrett (NJ)	Kingston			
Cannon	Gerlach	Kirk			
Cantor	Gibbons	Kline			
Capito	Gilcrest	Kolbe			
Carter	Gillmor	Latham			
Castle	Gingrey	LaTourette			
Chabot	Goode	Leach			
Chocola	Goodlatte	Lewis (CA)			

NOES—198

Aderholt	Cunningham	Hulshof
Akin	Davis, Tom	Hunter
Bachus	Deal (GA)	Hyde
Baker	DeLay	Isakson
Ballenger	DeMint	Issa
Barrett (SC)	Diaz-Balart, L.	Istook
Bartlett (MD)	Diaz-Balart, M.	John
Barton (TX)	Dreier	Johnson (CT)
Bass	Duncan	Johnson, Sam
Beauprez	Dunn	Kennedy (MN)
Biggert	Ehlers	King (IA)
Bilirakis	English	King (NY)
Bishop (UT)	Everett	Kingston
Blackburn	Feeney	Kirk
Blunt	Ferguson	Kline
Boehner	Flake	Kolbe
Bonilla	Foley	LaHood
Bonner	Forbes	LaTourette
Bono	Franks (AZ)	Lewis (CA)
Boozman	Frelinghuysen	Linder
Bradley (NH)	Gallely	Lucas (OK)
Brady (TX)	Garrett (NJ)	Manzullo
Brown (SC)	Gerlach	McCotter
Brown-Waite,	Gibbons	McCrery
Ginny	Gilcrest	McInnis
Burgess	Gillmor	McKeon
Burns	Gingrey	Mica
Burton (IN)	Goode	Miller (FL)
Buyer	Goodlatte	Miller (MI)
Calvert	Goss	Miller, Gary
Camp	Granger	Moran (KS)
Cannon	Graves	Murphy
Cantor	Green (WI)	Musgrave
Chabot	Greenwood	Myrick
Chocola	Harris	Nethercutt
Coble	Hart	Neugebauer
Cole	Hastings (WA)	Ney
Cox	Hayes	Northup
Crane	Hayworth	Norwood
Crenshaw	Hefley	Nunes
Cubin	Hensarling	Nussle
Culberson	Herger	Osborne
	Hobson	Ose
	Houghton	Otter

Oxley	Rohrabacher	Thomas	Goodlatte	Lowey	Rodriguez	Pearce	Rothman	Sweeney
Paul	Ros-Lehtinen	Thornberry	Gordon	Lucas (KY)	Ross	Pence	Royce	Tancred
Pearce	Royce	Tiahrt	Graves	Lynch	Roybal-Allard	Petri	Ryun (KS)	Tauzin
Pence	Ryan (WI)	Tiberi	Green (TX)	Majette	Ruppersberger	Pickering	Saxton	Taylor (NC)
Peterson (PA)	Ryun (KS)	Toomey	Greenwood	Maloney	Rush	Platts	Schrock	Thomas
Petri	Schrock	Turner (OH)	Grijalva	Manzullo	Ryan (OH)	Pombo	Sensenbrenner	Thornberry
Pickering	Sensenbrenner	Turner (TX)	Giutierrez	Markey	Ryan (WI)	Porter	Sessions	Tiahrt
Pitts	Sessions	Upton	Hall	Marshall	Sabo	Pryce (OH)	Shadegg	Turner (OH)
Platts	Shadegg	Vitter	Harman	Matheson	Sanchez, Linda	Putnam	Shaw	Vitter
Pombo	Shaw	Walden (OR)	Hefley	Matsui	T.	Quinn	Sherwood	Wamp
Porter	Shays	Walsh	Herger	McCarthy (MO)	Sanchez, Loretta	Radanovich	Shuster	Weldon (FL)
Portman	Sherwood	Wamp	Hill	McCarthy (NY)	Sanders	Renzi	Simpson	Weller
Pryce (OH)	Simpson	Weldon (FL)	Hinchey	McCollum	Sandlin	Reynolds	Skelton	Wexler
Putnam	Smith (MI)	Weldon (PA)	Hinojosa	McDermott	Schakowsky	Rogers (AL)	Smith (NJ)	Wicker
Radanovich	Smith (TX)	Weller	Hobson	McGovern	Schiff	Rogers (KY)	Smith (TX)	Wilson (SC)
Ramstad	Smith (WA)	Whitfield	Hoeffel	McHugh	Scott (GA)	Rogers (MI)	Souder	Wolf
Regula	Souder	Wicker	Whitfield	McIntyre	Scott (VA)	Rohrabacher	Stearns	Young (AK)
Rehberg	Stearns	Wilson (NM)	Holt	McNulty	Shays	Ros-Lehtinen	Sullivan	Young (FL)
Renzi	Sullivan	Wilson (SC)	Honda	Meehan	Sherman			
Reynolds	Tancred	Young (AK)	Hooley (OR)	Meeks (NY)	Shimkus			
Rogers (AL)	Tauzin	Young (FL)	Hostettler	Michaud	Simmons	Cummings	Janklow	Serrano
Rogers (KY)	Taylor (NC)		Houghton	Millender-	Slaughter	Emerson	Keller	Towns
Rogers (MI)	Terry		Hoyer	McDonald	Smith (MI)	Fossella	Knollenberg	Udall (CO)
			Inslee	Miller (NC)	Smith (WA)	Gephardt	Kucinich	Velazquez
			Israel	Miller, George	Snyder	Hoekstra	Rangel	Woolsey
			Issa	Mollohan	Solis			
			Jackson (IL)	Moore	Spratt			
			Jackson-Lee	Moran (KS)	Stark			
			(TX)	Moran (VA)	Stenholm			
			Jefferson	Murtha	Strickland			
			John	Nadler	Stupak			
			Johnson (CT)	Napolitano	Tanner			
			Johnson (IL)	Neal (MA)	Tauscher			
			Johnson, E. B.	Nethercutt	Taylor (MS)			
			Jones (OH)	Ney	Terry			
			Kanjorski	Nussle	Thompson (CA)			
			Kaptur	Oberstar	Thompson (MS)			
			Kennedy (RI)	Obey	Tiberi			
			Kildee	Olver	Tierney			
			Kilpatrick	Osborne	Toomey			
			Kind	Otter	Turner (TX)			
			Klecza	Owens	Udall (NM)			
			Kolbe	Pastor	Upton			
			LaHood	Paul	Van Hollen			
			Lampson	Payne	Visclosky			
			Langevin	Pelosi	Walden (OR)			
			Lantos	Peterson (MN)	Walsh			
			Larsen (WA)	Peterson (PA)	Waters			
			Larson (CT)	Pitts	Watson			
			Latham	Pomeroy	Watt			
			LaTourette	Portman	Waxman			
			Leach	Price (NC)	Weiner			
			Lee	Rahall	Weldon (PA)			
			Levin	Ramstad	Whitfield			
			Lewis (GA)	Regula	Wilson (NM)			
			Lipinski	Rehberg	Wu			
			Lofgren	Reyes	Wynn			

NOT VOTING—16

Cummings	Janklow	Towns
Doolittle	Keller	Udall (CO)
Emerson	Knollenberg	Velazquez
Fossella	Kucinich	Woolsey
Gephardt	Rangel	
Hoekstra	Serrano	

□ 1941

Mr. SWEENEY, Mr. MORAN of Virginia, and Ms. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 173, not voting 15, as follows:

[Roll No. 488]

AYES—246

Abercrombie	Brown (OH)	DeGette
Alexander	Brown, Corrine	Delahunt
Allen	Burgess	DeLauro
Baca	Camp	DeMint
Baird	Capps	Dicks
Baldwin	Capuano	Dingell
Ballance	Cardin	Doggett
Bass	Cardoza	Dooley (CA)
Becerra	Carson (IN)	Doyle
Bell	Carson (OK)	Duncan
Bereuter	Case	Edwards
Berman	Castle	Ehlers
Berry	Clay	Emanuel
Biggert	Clyburn	Eshoo
Bishop (GA)	Conyers	Etheridge
Bishop (NY)	Cooper	Evans
Blumenauer	Costello	Farr
Boehlert	Cramer	Fattah
Bonner	Crowley	Filner
Bono	Cubin	Flake
Boozman	Davis (AL)	Fletcher
Boswell	Davis (CA)	Ford
Boucher	Davis (FL)	Frank (MA)
Boyd	Davis (IL)	Frost
Brady (PA)	Davis (TN)	Gilchrest
Brady (TX)	DeFazio	Gonzalez

Ackerman	Cunningham	Hyde
Aderholt	Davis, Jo Ann	Isakson
Akin	Davis, Tom	Istook
Andrews	Deal (GA)	Jenkins
Bachus	DeLay	Johnson, Sam
Baker	Deutsch	Jones (NC)
Ballenger	Diaz-Balart, L.	Kelly
Barrett (SC)	Diaz-Balart, M.	Kennedy (MN)
Bartlett (MD)	Doolittle	King (IA)
Barton (TX)	Dreier	King (NY)
Beauprez	Dunn	Kingston
Berkley	Engel	Kirk
Bilirakis	English	Kline
Bishop (UT)	Everett	Lewis (CA)
Blackburn	Feeney	Lewis (KY)
Blunt	Ferguson	Linder
Boehner	Foley	LoBiondo
Bonilla	Forbes	Lucas (OK)
Bradley (NH)	Franks (AZ)	McCotter
Brown (SC)	Frelinghuysen	McCrery
Brown-Waite,	Galleghy	McInnis
Ginny	Garrett (NJ)	McKeon
Burns	Gerlach	Meek (FL)
Burr	Gibbons	Menendez
Burton (IN)	Gillmor	Mica
Buyer	Gingrey	Miller (FL)
Calvert	Goode	Miller (MI)
Cannon	Goss	Miller, Gary
Cantor	Granger	Murphy
Capito	Green (WI)	Musgrave
Carter	Gutknecht	Myrick
Chabot	Harris	Neugebauer
Chocola	Hart	Northup
Coble	Hastings (FL)	Norwood
Cole	Hastings (WA)	Nunes
Collins	Hayes	Ortiz
Cox	Hayworth	Ose
Crane	Hensarling	Oxley
Crenshaw	Hulshof	Pallone
Culberson	Hunter	Pascrell

NOES—173

Hyde	Isakson	Istook	Jenkins	Johnson, Sam	Jones (NC)	Kelly	Kennedy (MN)	King (IA)	King (NY)	Kingston	Kirk	Kline	Lewis (CA)	Lewis (KY)	Linder	LoBiondo	Lucas (OK)	McCotter	McCrery	McInnis	McKeon	Meek (FL)	Menendez	Mica	Miller (FL)	Miller (MI)	Miller, Gary	Murphy	Musgrave	Myrick	Neugebauer	Northup	Norwood	Nunes	Ortiz	Ose	Oxley	Pallone	Pascrell
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NOT VOTING—15

Cummings	Janklow	Serrano
Emerson	Keller	Towns
Fossella	Knollenberg	Udall (CO)
Gephardt	Kucinich	Velazquez
Hoekstra	Rangel	Woolsey

□ 1950

Mr. GUTKNECHT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. STUPAK. Mr. Chairman, I rise to highlight my amendments to the Transportation-Treasury-Independent Agencies Appropriations Act. Although they were ruled out of order by the House Committee on Rules, I believe they warrant attention.

I offered two amendments to the Rules Committee: one to require that the State of Michigan use some of their federal aid to help rehabilitate the Mackinac Bridge; and another to prohibit airlines from cutting their service if they took the most recent federal airlines' bail-out money.

My Mackinac Bridge amendment would have bolstered much-needed support of the largest suspension bridge in the Western Hemisphere, connecting Michigan's Lower and Upper Peninsulas.

Under the Mackinac Bridge Authority's original 1956 toll agreement, the Bridge does not qualify for state apportioned federal aid. However, the Mackinac Bridge Authority, the Michigan Department of Transportation, and the Federal Highway Administration are now working to update the Bridge's toll agreement to allow it to qualify for federal aid.

Should the toll agreement take effect, my Mackinac Bridge amendment would ensure the State of Michigan would use "such sums as necessary" of their state apportioned federal aid for the rehabilitation of Mackinac Bridge.

My air carrier amendment would protect airports and airline passengers from increasing cuts in service. During the last two years, air carriers have lobbied for federal aid on the grounds that they cannot alone shoulder the burden of heightened security needs and the declining economy while maintaining adequate flight service.

Congress has continually supported increased federal aid for U.S. air carriers, most recently during the Fiscal Year 2003 Supplemental Appropriations Act. The Supplemental provided an "emergency" \$2.9 billion in assistance to U.S. air carriers.

Yet despite increased federal assistance, air carriers continue to cut flight service at airports across the country. Rural airports have been hit particularly hard by air carriers eliminating air travel options or reducing the flight schedule.

My air carrier funding amendment would prohibit any air carrier receiving federal assistance under the FY03 Supplemental Appropriations Act from reducing the level of service at any airport for a period of two years, retroactive to the date of the Supplemental's enactment on April 16, 2003.

These amendments would have helped improve the lives of northern Michigan residents. It is unfortunate the House Rules Committee prohibited their consideration.

Mr. STUPAK. Mr. Chairman, I rise in strong support of Mr. MCHUGH's amendment to protect commercial air service for small communities.

The Federal Aviation Administration Conference Report establishes a pilot program to require up to 10 selected Essential Air Service communities to contribute a 10 percent cost share for a 4-year period.

The McHugh amendment prevents this baseless cost-sharing burden from taking effect.

For 25 years now, EAS has provided government subsidies to air carriers serving small communities like mine in northern Michigan.

Without the federal help of EAS, many small communities would not be able to retain scheduled commercial air service. Rural residents like those in the 1st District of Michigan deserve access to the air transportation system. Commercial air service is also critical to economic development.

Never before have local airports been required to contribute to the federal EAS program, nor should they be expected to do so now.

I'm supporting the McHugh amendment to make sure communities receiving EAS funding won't be forced to sacrifice other important local programs at the expense of air service.

I also take this opportunity to mention my other efforts in this bill to protect my community airports and air passengers.

I submitted an amendment to the House Committee on Rules to prohibit airlines from cutting their service if they took the most recent federal airlines' bailout money.

During the last two years, air carriers have lobbied for federal aid on the grounds that they cannot alone shoulder the burden of heightened security needs and the declining economy while maintaining adequate flight service.

Congress has continually supported increased federal aid for U.S. air carriers, most recently during the Fiscal Year 2003 Supplemental Appropriations Act. The Supplemental provided an "emergency" \$2.9 billion in assistance to U.S. air carriers.

Yet despite increased federal assistance, air carriers continue to cut flight service at airports across the country. Rural airports have been hit particularly hard by air carriers eliminating air travel options or reducing the flight schedule.

My air carrier funding amendment would prohibit any air carrier receiving federal assistance under the FY03 Supplemental Appropriations Act from reducing the level of service at any airport for a period of two years, retroactive to the date of the Supplemental's enactment on April 16, 2003.

This amendment would have helped improve the lives of northern Michigan residents. It is unfortunate the House Rules Committee prohibited their consideration.

I do, however, urge my colleagues to support the McHugh amendment.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I want to thank Chairman ISTOOK, Ranking Member OLVER and the staff of the Transportation, Treasury and Independent Agencies Subcommittee for their continued consideration and support of the transportation related needs in the Commonwealth of Puerto Rico.

As many of my colleagues are aware, Puerto Rico, with a limited land mass and a very high population density, faces enormous challenges in meeting the demands on surface transportation networks. Through our partnership with the federal government, with local financial commitments tied to necessary planning and project construction, Puerto Rico will meet the growing needs for transportation.

Congestion, a serious problem crippling the San Juan metropolitan area, will be significantly reduced by the initial phase of Tren Urbano. The light rail project will grow transit ridership over time and provide an integrated, multi-modal transportation system with buses, publicos, water taxis, pedestrians and automobiles. The Commonwealth of Puerto Rico is committed to the successful completion of Phase I of Tren Urbano and the development of future extensions.

I thank the Appropriations Committee for including \$43.5 million in funds for Phase 1 of Tren Urbano. Additionally, under the House passed bill, Puerto Rico will receive significant funds for new bus purchases, and for ferryboat and ferryboat facility improvements. I will work with conferees to safeguard this necessary support Puerto Rico has been provided by the House.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Transportation, Treasury, and Independent Agencies Appropriations Act, 2004".

The CHAIRMAN. Are there any further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 39, not voting 14, as follows:

[Roll No. 489]

YEAS—381

Abercrombie	DeGette	Kaptur
Ackerman	Delahunt	Kelly
Aderholt	DeLauro	Kennedy (MN)
Akin	DeLay	Kennedy (RI)
Alexander	DeMint	Kildee
Allen	Dicks	Kilpatrick
Andrews	Dingell	Kind
Baca	Doggett	King (IA)
Bachus	Dooley (CA)	King (NY)
Baird	Doolittle	Kingston
Baker	Doyle	Kirk
Baldwin	Dreier	Klecza
Ballance	Duncan	Kline
Ballenger	Dunn	Knollenberg
Bartlett (MD)	Edwards	Kolbe
Barton (TX)	Ehlers	LaHood
Bass	Emanuel	Lampson
Beauprez	Engel	Langevin
Becerra	English	Lantos
Bell	Eshoo	Larsen (WA)
Bereuter	Etheridge	Larson (CT)
Berkley	Farr	Latham
Berman	Fattah	LaTourrette
Berry	Feeney	Leach
Biggert	Ferguson	Lee
Billakis	Filner	Levin
Bishop (GA)	Fletcher	Lewis (CA)
Bishop (NY)	Foley	Lewis (GA)
Bishop (UT)	Forbes	Lewis (KY)
Blackburn	Ford	Linder
Blumenauer	Frank (MA)	Lipinski
Blunt	Frelinghuysen	LoBiondo
Boehlert	Frost	Lofgren
Boehner	Gallegly	Lowey
Bonilla	Garrett (NJ)	Lucas (KY)
Bonner	Gerlach	Lucas (OK)
Bono	Gibbons	Lynch
Boozman	Gilchrest	Majette
Boucher	Gillmor	Maloney
Boyd	Gingrey	Manullo
Bradley (NH)	Gonzalez	Markey
Brady (PA)	Goode	Marshall
Brady (TX)	Goodlatte	Matsui
Brown (OH)	Gordon	McCarthy (MO)
Brown (SC)	Goss	McCarthy (NY)
Brown, Corrine	Granger	McCollum
Brown-Waite,	Graves	McCotter
Ginny	Green (TX)	McCrery
Burgess	Green (WI)	McDermott
Burns	Greenwood	McGovern
Burr	Grijalva	McInnis
Burton (IN)	Gutierrez	McIntyre
Buyer	Gutknecht	McKeon
Calvert	Hall	McNulty
Camp	Harman	Meehan
Cannon	Harris	Meeks (NY)
Cantor	Hart	Mica
Capito	Hastings (WA)	Michaud
Capps	Hayes	Millender-
Capuano	Hayworth	McDonald
Cardin	Hill	Miller (MI)
Cardoza	Hinchey	Miller (NC)
Carson (IN)	Hinojosa	Miller, Gary
Carson (OK)	Hobson	Miller, George
Carter	Hoeffel	Mollohan
Case	Holden	Moore
Castle	Holt	Moran (KS)
Chabot	Honda	Moran (VA)
Chocola	Hooley (OR)	Murphy
Clay	Hostettler	Murtha
Clyburn	Houghton	Musgrave
Coble	Hoyer	Myrick
Cole	Hulshof	Nadler
Collins	Hunter	Napolitano
Cooper	Hyde	Neal (MA)
Cox	Inslee	Nethercutt
Cramer	Isakson	Neugebauer
Crane	Israel	Ney
Crenshaw	Issa	Northup
Crowley	Istook	Norwood
Cubin	Jackson (IL)	Nunes
Culberson	Jackson-Lee	Oberstar
Cunningham	(TX)	Olver
Davis (AL)	Jefferson	Ortiz
Davis (CA)	Jenkins	Osborne
Davis (FL)	John	Ose
Davis (IL)	Johnson (CT)	Otter
Davis (TN)	Johnson (IL)	Owens
Davis, Jo Ann	Johnson, E. B.	Pallone
Davis, Tom	Johnson, Sam	Pascarell
Deal (GA)	Jones (OH)	Pastor
DeFazio	Kanjorski	Payne

Pearce	Ryun (KS)	Terry
Pelosi	Sabo	Thomas
Pence	Sanchez, Linda	Thompson (CA)
Peterson (MN)	T.	Thompson (MS)
Peterson (PA)	Sanchez, Loretta	Thornberry
Petri	Sanders	Tiahrt
Pickering	Sandlin	Tiberi
Pitts	Saxton	Tierney
Platts	Schakowsky	Turner (OH)
Pombo	Schiff	Turner (TX)
Pomeroy	Schrock	Udall (NM)
Porter	Scott (GA)	Upton
Portman	Scott (VA)	Van Hollen
Price (NC)	Sessions	Visclosky
Pryce (OH)	Shaw	Vitter
Putnam	Shays	Walden (OR)
Quinn	Sherman	Walsh
Radanovich	Sherwood	Wamp
Rahall	Shuster	Waters
Ramstad	Simmons	Watson
Regula	Simpson	Watt
Rehberg	Skelton	Waxman
Renzi	Slaughter	Weiner
Reyes	Smith (NJ)	Weldon (FL)
Reynolds	Smith (TX)	Weldon (PA)
Rodriguez	Snyder	Weller
Rogers (AL)	Solis	Whitfield
Rogers (KY)	Souder	Wicker
Rogers (MI)	Spratt	Wilson (NM)
Ross	Stenholm	Wilson (SC)
Rothman	Stupak	Wolf
Roybal-Allard	Sullivan	Wu
Royce	Sweeney	Wynn
Ruppersberger	Tanner	Young (AK)
Rush	Tauscher	Young (FL)
Ryan (OH)	Tauzin	
Ryan (WI)	Taylor (NC)	

NAYS—39

Barrett (SC)	Hensarling	Ros-Lehtinen
Boswell	Herger	Sensenbrenner
Conyers	Jones (NC)	Shadegg
Costello	Matheson	Shimkus
Deutsch	McHugh	Smith (MI)
Diaz-Balart, L.	Meek (FL)	Smith (WA)
Diaz-Balart, M.	Menendez	Stark
Evans	Miller (FL)	Stearns
Everett	Nussle	Strickland
Flake	Obey	Tancredo
Franks (AZ)	Oxley	Taylor (MS)
Hastings (FL)	Paul	Toomey
Hefley	Rohrabacher	Wexler

NOT VOTING—14

Cummings	Janklow	Towns
Emerson	Keller	Udall (CO)
Fossella	Kucinich	Velazquez
Gephardt	Rangel	Woolsey
Hoekstra	Serrano	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2010

Mr. MEEK of Florida and Mr. HASTINGS of Florida changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, July 25, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2765

□ 2012

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 5, 2003, amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) had been disposed of and the bill was open for amendment from page 12, line 23, through page 52, line 12.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the House that this vote that we will take soon on the D.C. bill is the end of the 13 regular appropriations bills for fiscal year 2004. This does the job.

We have had some interesting times, Mr. Chairman; but in this calendar year starting in February, the Committee on Appropriations concluded 11 of last year's bills, two major supplementals, and 13 regular bills once we have the vote on the D.C. appropriations bill.

I want to say thank you to all of the Members of the Committee on Appropriations on both sides. I want to say thank you to the Members of the House that gave us some spirited debate in amendments but also some very strong votes.

Mr. Chairman, we are prepared then to move on to our conferences with the other body, which should prove to be very interesting.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this House has a proud bipartisan record of reserving scarce Federal funds for public education. We cannot convincingly make the District of Columbia an exception to that record.

The majority of the city council, the majority of the elected members of the school board, and as the member who has represented the city for 13 years, the majority of the residents of the city are just like your districts and overwhelmingly oppose vouchers. Hundreds of them, led by the clergy of our city ministers and rabbis, came to fan out to tell the Congress that just last week.

□ 2015

If you are willing to vote to give public money to private schools this year, you better be prepared to answer back home. Of course you can say, well, the District of Columbia is different; you know, the schools are so bad. There are school districts exactly like the District of Columbia in every State of the Union. Those of you from Michigan know about Detroit. If you come from Georgia, you know about Atlanta. If you come from Connecticut, you know

about Bridgeport. If you come from Texas, you know about Houston and Dallas. And I do not know all of your rural districts, but I am sure they will match the District in test scores and all the rest of the deprivations that lead to bad schools.

So you go home, if you will, and tell them that in the year when the unkept promise of special education remains outstanding, while the schools in your district are being called shortchanged, that is okay; there was one district in the United States that I was willing to give private money for public schools.

So you go home and tell them, well, I am not for it here, because that is the hypocrisy I hear time and again, but this is one district in the whole United States that I was willing to dig in my Federal pocket and draw out some public money for private schools and it will never happen again. There is a 5-year appropriation here. You will be doing it year after year. And you go home and tell them, when there is a backlash now developing against the bipartisan No Child Left Behind, that that \$9 billion unfunded mandate, that is okay, we are taking care of that. Meanwhile, we had some private schools in the District of Columbia that we simply had to fund this year.

This is a voucher-only bill. If you vote for the Davis amendment, you are voting for vouchers for our country. If you vote "yes" on final, you are voting vouchers if the Davis amendment is in the bill. Vote "no" on Davis. Vote "no" on final passage. Do not flip-flop on vouchers. You will pay the price. We will try to see to it that you do.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to my colleagues that I will not use the 5 minutes, but we need to understand that the Davis proposal that the gentleman from New Jersey (Mr. FRELINGHUYSEN) and I have cosponsored is supported by the Mayor and supported by the President of the school board and other members of the city government. It is also overwhelmingly supported by the people of D.C.

But do not take my word for this, because this is really not about the politicians and it is really not about us; it is about poor kids in poor schools who are being denied an education. We hope, we hope that the Mayor and the school board do a great job trying to improve the city schools. But while they are out there working, trying to improve the city's schools, why should we not take the chance, why should we not take the chance of offering 2,000 children a chance to go to a better school? Because in the end, that is what this is about, these kids. And these kids today are going to have no future if we do not stand up and begin to help them.

So I would ask all of my colleagues today, when you vote, think about these children and think about their future. All of their parents want, and what these kids want is the same

things that we want for our children, and if we stand up here today and vote “no,” I want you to look into their parents’ eyes and say, I am not going to help you, and your children are not going to have the same opportunity as ours. Please vote for Davis.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word.

I come from the great city of Cleveland where the voucher program was upheld by the Supreme Court, and I look in the eyes of the parents of every one of those children everyday and say to them that public education is what we ought to be supporting. Let us put some of that \$87 billion we are getting ready to send to Iraq into public education. Let us put some of these dollars that we are setting aside into public education. Let us reduce student-teacher ratio. Let us increase the opportunity for our children to do well.

I am not going to take 5 minutes either, but I could not let you leave with saying you could not look into eyes of the parents. I look in their eyes everyday, and they say, Stephanie, send me more teachers, send me more money for our schools, and give our children an opportunity.

The CHAIRMAN. The Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the “District of Columbia Appropriations Act, 2004”.

The CHAIRMAN. Are there any further amendments to the bill? If not, under the order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of July 25, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. NORTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 208, not voting 17, as follows:

[Roll No. 490]

AYES—209

Aderholt	Baker	Bartlett (MD)
Akin	Ballenger	Barton (TX)
Bachus	Barrett (SC)	Bass

Beauprez	Goodlatte	Pearce
Bereuter	Goss	Pence
Bilirakis	Granger	Peterson (PA)
Bishop (UT)	Green (WI)	Petri
Blackburn	Greenwood	Pickering
Blunt	Gutknecht	Pitts
Boehner	Hall	Pombo
Bonilla	Harris	Porter
Bonner	Hart	Portman
Bono	Hastings (WA)	Pryce (OH)
Boozman	Hayes	Putnam
Bradley (NH)	Hayworth	Quinn
Brady (TX)	Hefley	Radanovich
Brown (SC)	Hensarling	Regula
Brown-Waite,	Herger	Rehberg
Ginny	Hobson	Renzi
Burgess	Hostettler	Reynolds
Burns	Houghton	Rogers (AL)
Burton (IN)	Hulshof	Rogers (KY)
Buyer	Hunter	Rogers (MI)
Calvert	Hyde	Rohrabacher
Camp	Isakson	Ros-Lehtinen
Cannon	Issa	Royce
Cantor	Istook	Ryan (WI)
Capito	Jenkins	Ryun (KS)
Carter	Johnson (CT)	Schrock
Castle	Johnson, Sam	Sensenbrenner
Chabot	Jones (NC)	Sessions
Chocola	Kelly	Shadegg
Coble	Kennedy (MN)	Shaw
Cole	King (IA)	Shays
Collins	King (NY)	Sherwood
Cox	Kingsston	Shimkus
Crane	Kirk	Shuster
Crenshaw	Kline	Smith (MI)
Cubin	Knollenberg	Smith (NJ)
Culberson	Kolbe	Smith (TX)
Cunningham	LaHood	Souder
Davis, Jo Ann	Latham	Stearns
Davis, Tom	LaTourette	Sullivan
Deal (GA)	Lewis (CA)	Sweeney
DeLay	Lewis (KY)	Tancredo
DeMint	Linder	Tauzin
Diaz-Balart, L.	Lipinski	Taylor (MS)
Diaz-Balart, M.	Lucas (OK)	Taylor (NC)
Doolittle	Manzullo	Terry
Dreier	McCotter	Thomas
Duncan	McCrery	Thornberry
Dunn	McInnis	Tiahrt
Ehlers	McKeon	Tiberi
Everett	Mica	Toomey
Feeney	Miller (FL)	Turner (OH)
Ferguson	Miller (MI)	Upton
Flake	Miller, Gary	Vitter
Fletcher	Moran (KS)	Walden (OR)
Foley	Murphy	Walsh
Forbes	Musgrave	Wamp
Franks (AZ)	Myrick	Weldon (FL)
Frelinghuysen	Nethercutt	Weldon (PA)
Galleghy	Neugebauer	Weller
Garrett (NJ)	Northup	Whitfield
Gerlach	Norwood	Wicker
Gibbons	Nunes	Wilson (NM)
Gilchrest	Nussle	Wilson (SC)
Gillmor	Ose	Wolf
Gingrey	Otter	Young (AK)
Goode	Oxley	Young (FL)

NOES—208

Abercrombie	Carson (IN)	Etheridge
Ackerman	Carson (OK)	Evans
Alexander	Case	Farr
Allen	Clay	Fattah
Andrews	Clyburn	Filner
Baca	Conyers	Frank (MA)
Baird	Cooper	Frost
Baldwin	Costello	Gonzalez
Ballance	Cramer	Gordon
Becerra	Crowley	Green (TX)
Bell	Davis (AL)	Grijalva
Berkley	Davis (CA)	Gutierrez
Berman	Davis (FL)	Harman
Berry	Davis (IL)	Hastings (FL)
Biggert	Davis (TN)	Hill
Bishop (GA)	DeFazio	Hinchey
Bishop (NY)	DeGette	Hinojosa
Blumenauer	Delahunt	Hoefel
Boehert	DeLauro	Holden
Boswell	Deutsch	Holt
Boucher	Dicks	Honda
Boyd	Dingell	Hooley (OR)
Brady (PA)	Doggett	Hoyer
Brown (OH)	Dooley (CA)	Inslee
Brown, Corrine	Doyle	Israel
Burr	Edwards	Jackson (IL)
Capps	Emanuel	Jackson-Lee
Capuano	Engel	(TX)
Cardin	English	Jefferson
Cardoza	Eshoo	John

Johnson (IL)	Menendez	Sanchez, Linda
Johnson, E. B.	Michaud	T.
Jones (OH)	Millender-	Sanchez, Loretta
Kanjorski	McDonald	Sanders
Kaptur	Miller (NC)	Sandlin
Kennedy (RI)	Miller, George	Saxton
Kildee	Mollohan	Schakowsky
Kilpatrick	Moore	Schiff
Kind	Moran (VA)	Scott (GA)
Kleczka	Murtha	Scott (VA)
Lampson	Nadler	Sherman
Langevin	Napolitano	Simmons
Lantos	Neal (MA)	Skelton
Larsen (WA)	Ney	Slaughter
Larson (CT)	Oberstar	Smith (WA)
Leach	Obey	Snyder
Lee	Olver	Solis
Levin	Ortiz	Spratt
Lewis (GA)	Osborne	Stark
LoBiondo	Owens	Stenholm
Lofgren	Pallone	Strickland
Lowey	Pascarell	Stupak
Lucas (KY)	Pastor	Tanner
Lynch	Paul	Tauscher
Majette	Payne	Thompson (CA)
Maloney	Pelosi	Thompson (MS)
Markey	Peterson (MN)	Tierney
Marshall	Platts	Turner (TX)
Matheson	Pomeroy	Udall (NM)
Matsui	Price (NC)	Van Hollen
McCarthy (MO)	Rahall	Visclosky
McCarthy (NY)	Ramstad	Waters
McCollum	Reyes	Watson
McDermott	Rodriguez	Watt
McGovern	Ross	Waxman
McHugh	Rothman	Weiner
McIntyre	Roybal-Allard	Wexler
McNulty	Ruppersberger	Wu
Meehan	Rush	Wynn
Meek (FL)	Ryan (OH)	
Meeks (NY)	Sabo	

NOT VOTING—17

Cummings	Hoekstra	Simpson
Emerson	Janklow	Towns
Ford	Keller	Udall (CO)
Fossella	Kucinich	Velazquez
Gephardt	Rangel	Woolsey
Graves	Serrano	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. HOYER (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman may state a parliamentary inquiry pertaining to the vote.

Mr. HOYER. Mr. Speaker, under regular order, we were told at the beginning of this session that the leadership of the House and the message from the Speaker of the House, DENNIS HASTERT, was that we were going to allot 15 minutes for votes with only 2 minutes, and that at 17 minutes, the voting tally would close, and we were all urged to be on time so that the work of the House could be done efficiently and effectively.

Mr. Speaker, my inquiry is, is that regular order still in place? Is that still the policy of the leadership of this House?

The SPEAKER pro tempore. The Chair would respond to the gentleman from Maryland that clause 2 of rule XX states that the minimum time for a recorded vote or quorum call by electronic device shall be 15 minutes.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. HOYER. Mr. Speaker, was that the rule that the distinguished Robert Walker of Pennsylvania raised such care about and was so angry about and felt that Jim Wright was so out of order about when he held the vote open? Is that the rule, Mr. Speaker?

The SPEAKER pro tempore. The gentleman did not state a further parliamentary inquiry.

The Chair would further note, from House Practice, chapter 58, section 20, that the Chair has the discretion either to close a vote and to announce the result at any time after 15 minutes have elapsed or may allow additional time for Members to record their votes before announcing the result.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland may state his further parliamentary inquiry.

Mr. HOYER. Mr. Speaker, listening to the Chair's recitation of the rule, would that mean that the Chair now has the authority to close this vote and express the will of the House of Representatives as reflected on the board?

The SPEAKER pro tempore. The Chair would again state to the gentleman that the Chair has the discretion either to close a vote and announce the result at any time after 15 minutes have elapsed or to allow additional time for Members to record their votes before announcing the result.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. FRANK of Massachusetts. The question is not whether the Chair has the discretion but whether or not he has the integrity and courage to do so.

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin may state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, could I inquire if anyone from the attending physician is present? I understand someone's arm is being broken.

□ 2101

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 206, not voting 18, as follows:

[Roll No. 491]

YEAS—210

Aderholt	Gilchrest	Otter
Akin	Gillmor	Oxley
Bachus	Gingrey	Pearce
Baker	Goode	Pence
Ballenger	Goodlatte	Peterson (PA)
Barrett (SC)	Goss	Petri
Bartlett (MD)	Granger	Pickering
Barton (TX)	Green (WI)	Pitts
Bass	Greenwood	Pombo
Beauprez	Gutknecht	Porter
Bereuter	Harris	Portman
Bilirakis	Hart	Pryce (OH)
Bishop (UT)	Hastings (WA)	Putnam
Blackburn	Hayes	Quinn
Blunt	Hayworth	Radanovich
Boehner	Hefley	Regula
Bonilla	Hensarling	Rehberg
Bonner	Herger	Renzi
Bono	Hobson	Reynolds
Boozman	Hostettler	Rogers (AL)
Bradley (NH)	Houghton	Rogers (KY)
Brady (TX)	Hulshof	Rogers (MI)
Brown (SC)	Hunter	Rohrabacher
Brown-Waite,	Hyde	Ros-Lehtinen
Ginny	Isakson	Royle
Burgess	Issa	Ryan (WI)
Burns	Istook	Ryun (KS)
Burton (IN)	Jenkins	Saxton
Buyer	Johnson (CT)	Schrock
Calvert	Johnson, Sam	Sensenbrenner
Camp	Jones (NC)	Sessions
Cannon	Kelly	Shadegg
Cantor	Kennedy (MN)	Shaw
Capito	King (IA)	Shays
Carter	King (NY)	Sherwood
Castle	Kingston	Shimkus
Chabot	Kirk	Shuster
Chocola	Kline	Smith (MI)
Cole	Knollenberg	Smith (NJ)
Collins	Kolbe	Smith (TX)
Cox	LaHood	Souder
Crane	Latham	Stearns
Crenshaw	LaTourette	Sullivan
Cubin	Lewis (CA)	Sweeney
Culberson	Lewis (KY)	Tancred
Cunningham	Linder	Tauzin
Davis, Jo Ann	Lipinski	Taylor (NC)
Davis, Tom	Lucas (OK)	Terry
Deal (GA)	Manzullo	Thomas
DeLay	McCotter	Thornberry
DeMint	McCrery	Tiahrt
Diaz-Balart, L.	McHugh	Tiberi
Diaz-Balart, M.	McInnis	Toomey
Doolittle	McKeon	Turner (OH)
Dreier	Mica	Upton
Dunn	Miller (FL)	Vitter
Ehlers	Miller (MI)	Walden (OR)
English	Miller, Gary	Walsh
Everett	Moran (KS)	Wamp
Feeney	Murphy	Weldon (FL)
Ferguson	Musgrave	Weldon (PA)
Flake	Myrick	Weller
Fletcher	Nethercutt	Whitfield
Foley	Neugebauer	Wicker
Forbes	Ney	Wilson (NM)
Franks (AZ)	Northup	Wilson (SC)
Frelinghuysen	Norwood	Wolf
Gallegly	Nunes	Young (AK)
Garrett (NJ)	Nussle	Young (FL)
Gerlach	Osborne	
Gibbons	Ose	

NAYS—206

Abercrombie	Brown (OH)	DeGette
Ackerman	Brown, Corrine	Delahunt
Alexander	Burr	DeLauro
Allen	Capps	Deutch
Andrews	Capuano	Dicks
Baca	Cardin	Dingell
Baird	Cardoza	Doggett
Baldwin	Carson (IN)	Dooley (CA)
Ballance	Carson (OK)	Doyle
Becerra	Case	Duncan
Bell	Clay	Edwards
Berkley	Clyburn	Emanuel
Berman	Conyers	Engel
Berry	Cooper	Eshoo
Biggert	Costello	Etheridge
Bishop (GA)	Cramer	Evans
Bishop (NY)	Crowley	Farr
Blumenauer	Davis (AL)	Fattah
Boehert	Davis (CA)	Filner
Boswell	Davis (FL)	Frank (MA)
Boucher	Davis (IL)	Frost
Boyd	Davis (TN)	Gonzalez
Brady (PA)	DeFazio	Gordon

Green (TX)	Maloney	Ross
Grijalva	Markey	Rothman
Gutierrez	Marshall	Roybal-Allard
Hall	Matheson	Ruppersberger
Harman	Matsui	Rush
Hastings (FL)	McCarthy (MO)	Ryan (OH)
Hill	McCarthy (NY)	Sabo
Hinchee	McCollum	Sanchez, Linda
Hinojosa	McDermott	T.
Hoefel	McGovern	Sanchez, Loretta
Holden	McIntyre	Sanders
Holt	McNulty	Sandlin
Honda	Meehan	Schakowsky
Hooley (OR)	Meek (FL)	Schiff
Hoyer	Meeks (NY)	Scott (GA)
Inlee	Menendez	Scott (VA)
Israel	Michaud	Sherman
Jackson (IL)	Millender-	Simmons
Jackson-Lee	McDonald	Skelton
(TX)	Miller (NC)	Slaughter
Jefferson	Miller, George	Smith (WA)
John	Mollohan	Snyder
Johnson (IL)	Moore	Solis
Johnson, E. B.	Moran (VA)	Spratt
Jones (OH)	Murtha	Stark
Kanjorski	Nadler	Stenholm
Kaptur	Napolitano	Strickland
Kennedy (RI)	Neal (MA)	Stupak
Kildee	Oberstar	Tanner
Kilpatrick	Obey	Tauscher
Kind	Olver	Taylor (MS)
Klecza	Ortiz	Thompson (CA)
Lampson	Owens	Thompson (MS)
Langevin	Pallone	Tierney
Lantos	Pascarell	Turner (TX)
Larsen (WA)	Pastor	Udall (NM)
Larson (CT)	Paul	Van Hollen
Leach	Payne	Visclosky
Lee	Pelosi	Waters
Levin	Peterson (MN)	Watson
Lewis (GA)	Platts	Watt
LoBiondo	Pomeroy	Waxman
Lofgren	Price (NC)	Weiner
Lowey	Rahall	Wexler
Lucas (KY)	Ramstad	Wu
Lynch	Reyes	Wynn
Majette	Rodriguez	

NOT VOTING—18

Coble	Graves	Serrano
Cummings	Hoekstra	Simpson
Emerson	Janklow	Towns
Ford	Keller	Udall (CO)
Fossella	Kucinich	Velazquez
Gephardt	Rangel	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2117

Ms. KILPATRICK changed her vote from "yea" to "nay."

Mr. MILLER of Florida changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the time to resume proceedings on the motion to instruct conferees offered by the gentleman from Maryland (Mr. RUPPERSBERGER) is redesignated as tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 108-267) on the resolution (H. Res. 360) providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. EDWARDS. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. The form of the motion is as follows:

Mr. EDWARDS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in sections 606 and 619 of the Senate amendment (relating to the rates of pay for the family separation allowance and imminent danger pay).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. The form of the motion is as follows:

Mr. MICHAUD moves:

1. To reject the provisions of subtitle C of title II of the House bill.

2. The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. The form of the motion is as follows:

Mr. DAVIS of Tennessee moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provi-

sion of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

LIMITING NONECONOMIC MEDICAL LIABILITY DAMAGES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this Saturday voters in my district will go to the polls and vote on an amendment to the Texas State Constitution to limit noneconomic damages in medical liability lawsuits.

Here in the House of Representatives, we passed H.R. 5 in the hopes of accomplishing the same goal last March, but the other body so far has failed to act. Texas voters will most likely approve this Constitutional amendment. I will be among the group voting in favor of this amendment.

So is a national solution still necessary? The answer is a very firm yes.

Mr. Speaker, this summer I was in Nome, Alaska, and I talked to the doctors of the hospital there. They are unable to have an anesthesiologist on their medical staff because they cannot afford the liability insurance policy for an anesthesiologist. This means that the doctors in that hospital who practice obstetrics must send their patients to Anchorage, Alaska, for C-sections. Mr. Speaker, that is a 90-minute plane ride, and I am given to understand the weather in Nome, Alaska, is occasionally disagreeable.

At Columbia University, the head of the residency program told me she had far fewer candidates for OB-GYN residencies than in years past, largely because of the liability crisis throughout the country. In fact, the head of that program went on to say they are now making candidates that they

would not have even considered for an interview 5 years ago.

While some States may have had the foresight and found a solution to the crisis, this remains a national problem requiring a national solution. The House has acted. The other body has not. Mr. Speaker, how can they do that.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN CRITICISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I hope all of my colleagues are paying attention to this 5-minute Special Order because there are a couple of things that should be brought to Members' attention in this body and the other body. The first one is the Saudi Arabian government has been and continues to be, in my opinion, complicitous in terrorist activities involving Americans abroad and here at home. The Saudi Royal Family, according to reports I have been made aware of, have been conduits or had conduits give money to terrorists and funded terrorist activities. And I think everybody in America knows that 15 of the 17 terrorists that attacked the World Trade Center were Saudis.

It seems to me incumbent upon our government to put pressure on the Saudi government to be a friend of the United States instead of an enemy. We should do everything we can to stop the Saudis from funding terrorist activities on the West Bank and Gaza in Israel. Toward that end, I hope that our Secretary of State, Colin Powell, might be paying attention to what I am saying tonight because it is important that our State Department deal with that on an every day, ongoing basis, to keep pressure on the Saudis to bring about positive change.

I know that we get an awful lot of our energy supplies from that part of the world, and Saudi Arabia supplies a lot of that, but that does not give them the right to support terrorism that threatens our friends in Israel or the people of the United States.

The second thing I would like to say is that there was a story, an editorial comment printed in Al Akhram, the official Egyptian daily newspaper this last week, and I would like to read what was said by the Egyptians toward the United States about the United States, and this is the official organ of the Egyptian government, their newspaper. This piece attacks the Americans over Iraq calling Americans cannibals. This is the government of Egypt speaking, prehistoric animals who feel

they have the right to dismember and eat their enemies and to make sure they are dead. The Egyptian newspaper says Americans are wallowing in blood and death and disembowelment, and for the crimes of the U.S. troops, the paper says, this is the Egyptian newspaper, an organ of the government, the proper response is to kill American troops.

□ 2130

What does the Egyptian government do? Right now it is encouraging the America-hating because it takes the heat off of the government itself. This is how American-hating works around the world. Call us cannibals, and what we will do is, we will support you.

We give Egypt \$2 billion a year to help their economy; \$2 billion a year. And we have been doing it for a long, long time, ever since the Camp David accords were signed when Jimmy Carter was the President.

If we are going to be giving money to the Egyptians, then we ought to demand that they show respect for our troops and our involvement in the war in Iraq. Our troops went over there to liberate that country, to save those people from a tyrant, to stop terrorism in that part of the world and around the world. And for that our Egyptian friends, whom we give \$2 billion to a year, are calling us cannibals and saying that American troops should be killed and slaughtered.

This is something that we should not tolerate. And so I would say to our State Department and our fine Secretary of State, take a message to the Egyptian government, tell them to cut this out. If they want support from the United States, let them treat us with respect and treat our troops with respect who are laying their lives on the line for the people of Iraq and the people of this world on a daily basis.

Secondly, I hope our State Department will continue to talk to the Saudi Arabian government and tell them to get with the program and stop supporting terrorism around the world.

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

(Mr. MENENDEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace Mr. MENENDEZ on his time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the President announced to the American people yesterday that he intends in their name to borrow \$87 billion on top of the \$79 billion he borrowed earlier this year to rebuild Iraq, Afghanistan, and continue the struggle in that area.

Now, I would hope that the Congress this time will choose to scrutinize this request. The last time the President just breezed through here and the Congress said, \$79 billion, no problem. So I would hope every penny will be reviewed.

I would hope that this Congress would choose to pay for this instead of borrowing \$87 billion, indebting our children and grandchildren, by freezing tax cuts for the wealthiest people in the country. We could pay for it if we just stop cutting taxes.

But I really want to focus on a part of that which the President proposed, \$20.3 billion on top of \$2½ billion he requested earlier, to rebuild the infrastructure of Iraq, to build schools, electric grid, water and sewage, oil infrastructure, transportation, communications, housing, public buildings, roads and bridges, and money for the police, fire, the first responders.

Now, we are going to borrow \$20.3 billion in the name of the American people, and we are going to send it to Iraq to rebuild their country. Now, it has not been long since we heard from the Bush administration that this would be free, the architecture of the war in Iraq.

Secretary Paul Wolfowitz told a House subcommittee in March that Iraq would generate \$50 to \$100 billion of oil revenue over the next 2 to 3 years. We are dealing with a country that can really finance its own reconstruction and relatively soon. Mr. WOLFOWITZ is somehow still in good standing with this administration despite the fact that he was wrong by about \$100 or \$200 billion here. And the American people are going to be asked to pay for it.

Now, it is time for a little fairness and equity here. I have introduced with the gentleman from Illinois (Mr. EMANUEL) a bill, the American Parity Act, which says that if the President is going to request \$20.3 billion to provide jobs and rebuild the infrastructure of Iraq, schools bridges, roads, highways, water systems and dredge the ports, all things which he is not funding here in the United States, then we should have dollar for dollar matching for that under the American Parity Act and put people to work here in the United States, invest in our infrastructure, roads and bridges.

Now, I had someone say to me, well, wait a minute, you are proposing to make the bill bigger here to borrow. Yeah, that is right. We would borrow \$20.3 billion to invest in our Nation in long-term projects, putting people to work today but also investing in roads, bridges, highways, water systems, things that will last us for decades.

Now, I do not object to borrowing money to invest in America and to put people into work in America, but I have a real problem with borrowing \$20.3 billion to invest in the infrastructure in Iraq while ours is crumbling here at home.

The President has proposed a zero fund, no funding of the dredging of ports in my district and elsewhere around the country, yet he is proposing to dredge ports in Iraq.

The President has not proposed a penny for the Federal Government to partner in waste water systems, yet it is estimated we have a \$16 billion annual deficit under Federal mandates in water systems that were being put in our communities from the party that said they were not going to send unfunded mandates.

Mr. Speaker, where is the money to help the communities meet those Federal requirements?

On Interstate 5 just in the State of Oregon, I know this goes on around the entire United States, we have a \$4.5 billion bridge replacement problem. That would put a lot of people to work. But the President is telling the Congress that there just is not money to put into the roads and bridges and highways here in the United States, and he is trying to reduce the spending. We are at a stalemate over a new transportation bill because the President says there is no money to pay for it. But somehow we can borrow \$20.3 billion to do those same projects in Iraq. When is the President going to propose to either fund or borrow the money to fund similar projects here in the United States of America? With the American Parity Act, if it were adopted as part of his proposal, we would fund, dollar for dollar, comparable projects in the United States, putting tens of thousands, hundreds of thousands of Americans to work and provide some fairness and equity and at least some return to the American taxpayers for their borrowing.

But I fear that this administration and the leadership of this House is not that interested in funding infrastructure work here in this country, but they are perfectly willing to borrow the money in the name of the American people to rebuild it in Iraq. It is a sad day for the United States Congress.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise to address another serious security problem. It is retirement security. Let me read a quote from 1994:

"Failing to take prompt action on Social Security will burden our children and our grandchildren with benefit cuts and crippling taxes."

That was part of my opening statement as chairman of the Task Force on

Social Security in 1994. When I wrote this almost 10 years ago, I was simply acknowledging what was evident to the actuaries of Social Security. Because we know how many people are paying into Social Security, and we can estimate the cost of future benefits from what has been paid in, the looming insolvency of the program was very clear then. It is even more clear today. Yet a crisis that is imminent in the eyes of an actuary looks like a long way off to many politicians, and as a result Congress has ignored and delayed action on what is probably this country's most serious long-term financial challenge.

In just 10 years, we will need \$100 billion from other sources to make up \$100 billion, that is 5 percent of what will be coming in 10 years from now from the total income tax revenues, we are going to need that much in addition to what is coming in on Social Security and Medicare taxes to pay promised benefits. It has been frustrating at times, but we have worked for more than a decade trying to focus attention on fixing Social Security.

I introduced my first Social Security bill back in 1994. In fact, I wrote it while I was still chairman of the Senate taxation committee in Michigan. Tomorrow, I will offer my sixth legislation that has been scored by the actuaries to keep Social Security solvent. The good news is, I think awareness has increased. There is a greater appreciation and an acknowledgment that Social Security is going broke. Today, most Members are aware of the problem, even if there is still reluctance to tackle it.

President Bush's support in the 2000 campaign, I think, moved us a long ways toward a greater American understanding of the seriousness of the problem, and tomorrow I will introduce my bipartisan Retirement Security Act that has been scored by the Social Security actuaries to keep Social Security solvent and restore its tremendous support for retirees in the United States. Workers could voluntarily devote 2.5 percent of their income for a start from their payroll taxes. It would be voluntary. And workers would own the money in the accounts, which can be put in well-diversified investments. In our bill, we guarantee that the individuals that opt for these personally-owned accounts will earn as much as those that opt not to go into that particular investment. The government would supplement the accounts of low-income workers to help build up those accounts for future retirement savings. People would continue to receive government benefits, as in the current system, as part of their retirement income, but those participating in the private account would have their government benefits reduced to reflect the money that goes into their private accounts. But, again, it would be insured.

To ensure fairness for women, a married couple's account contributions would be divided equally between spouses. My bill also increases the wid-

ow's/widower's benefit to 110 percent of the higher earning spouse's benefit and would give retirement credits to spouses who stay at home to care for young children.

In conclusion, there are some important costs to the bill which eliminates \$10 billion in unfunded liabilities. It calls for a \$900 billion loan over the next 20 years from government to Social Security in addition to repaying the trust funds that have been borrowed from Social Security and this will be repaid after the program becomes solvent. It also slows down the increase in benefits for the highest earning retirees. It does not, however, change benefits for those who have already retired or are close to retirement.

Action to preserve and strengthen Social Security is long overdue. By acting now, we can reduce the cost of restoring Social Security for our children and our grandchildren. By increasing the return earned on Social Security surpluses, we can make the transition to a better system cheaper and easier. The Retirement Security Act is my proposal along with my eight cosponsors to move forward.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER

Mr. ETHERIDGE. Mr. Speaker, I ask permission to speak out of order and to take the time of the gentleman from Illinois.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PAYING TRIBUTE TO FALLEN FIREFIGHTERS, LAW ENFORCEMENT OFFICERS AND EMERGENCY MEDICAL SERVICE WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, as the second anniversary of September 11 approaches, I rise this evening to pay tribute to our Nation's fallen firefighters, law enforcement officers and emergency medical service personnel. Mr. Speaker, every day public service officers protect our families and possessions from fire, they keep our streets safe and are the first to respond to an emergency. Across this Nation, our public safety officers are dedicated and prepared. They truly embody the values and spirit that make America the great Nation that it is. These men and women are dedicated, and when we

call on them, they risk their lives for all of us. Our firefighters, law enforcement officers and EMS workers are truly our hometown heroes. However, all too often these heroes must give their lives in the line of duty.

For the family of these brave souls, Congress created the Public Safety Officers Benefit. Since its inception 25 years ago, this important benefit has provided surviving families with financial assistance during their desperate times of need. However, a glitch in the law prevents some families from receiving the assistance. Heart attacks and strokes are among the greatest threat to public safety officers, especially firefighters. In fact, almost half of all firefighter deaths in the line of duty are due to heart attacks and strokes. Fighting fire is dangerous, exhausting and extremely stressful work. Indeed, a firefighter's chances of suffering a heart attack or stroke greatly increases when he or she puts on the gear and rushes into a building to fight a fire. Likewise, law enforcement officers, correction officers and EMS workers face daily situations that put stress and strain on their heart. Imagine the scenario where, while fighting a house fire, a company of firefighters tragically loses two of its members. One is killed by a piece of falling debris. The other dies of a heart attack in the same building. Under current law, the family of the firefighter who suffered the fatal blow to the head receives their benefit, but the family of the heart attack victim receives nothing.

□ 2145

It is wrong that these families are denied this benefit when their loved ones are suffering the loss of a loved one in our communities.

A constituent of mine, Mike Williams, of Bunnlevel, North Carolina, who works for the Office of State Fire Marshal, alerted me to this glitch in the law after Ms. Deborah Brooks, the widow of Thomas Brooks of Lumberton, North Carolina, was denied benefits because of this technicality in the law. Mr. Brooks, a master firefighter with the Lumberton Fire Department, tragically died of a heart attack after returning from several calls on an evening shift. They found him dead the next morning.

As part of his duties with the state fire marshal, Mike helps families file for public safety officer benefits, and he has received many benefit rejection letters from the U.S. Department of Justice. This rejection letter in Thomas Brooks' case was one too many. Mike wrote to me and asked that we investigate the situation. We tried with other Members of this Congress to correct that technicality in the law administratively. We found out it could not be done.

During the last Congress, I, along with my colleagues, introduced the Hometown Heroes Benefit Act to correct this technicality in the Public

Safety Officer Benefit. This bipartisan piece of legislation will allow the families of public safety officers who were killed by a heart attack or stroke while on duty within 24 hours after participating in a training exercise or responding to an emergency situation to receive the benefits that they are due.

Last year, the Committee on the Judiciary and the full House unanimously passed it. Unfortunately, we were not able to move the bill through the United States Senate before adjourning, despite the strong support from several Senators of both parties.

Earlier this year, the gentleman from Maryland (Mr. HOYER), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Ohio (Mr. OXLEY), and I introduced the Hometown Heroes Survival Benefit Act. The United States Senate has already unanimously passed a Senate bill, S. 459, a companion bill introduced by Senators LEAHY and GRAHAM.

Mr. Speaker, H.R. 929 is the kind of bipartisan legislation that we should be working on in this House. As of this afternoon, we have 273 cosponsors. I will remind my colleagues it takes 218 in this House to pass a bill. Both Democrats and Republicans are on board. More cosponsors are on the way.

I urge all of my colleagues to continue to sponsor H.R. 919, and I ask the House leadership to put this bill to a vote. It will pass unanimously. During this time of increasing awareness and concern regarding the threat of terrorism, we are calling on our public safety officers to work longer and harder than ever before. Our hometown heroes deserve to know that we support and appreciate their extraordinary bravery and heroism.

As we take time to remember those who were killed or injured in the attacks on September 11 this week, I urge my colleagues to support H.R. 919 and let public safety officers know we will continue to stand with them and with their families. We can do no less.

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CHANGING FARM SUBSIDY AND TARIFF PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, our good friend and very able U.S. Trade Representative, Ambassador Robert Zoellick, about to represent America at the WTO trade summit in Cancun this week, should be given a message and a mission. The message comes from this Member of Congress, a strong

supporter of trade liberalization, one of the farm-state Members from the Great Plains and Midwest Caucus that together has been a strong and crucial force for trade liberalization over the years.

Mr. Speaker, here is the message with which we should arm Ambassador Zoellick on the subject of agricultural trade:

First, we must harmonize, we must have harmonization. That is to say, developing countries must agree to sharp reductions in their tariffs on agriculture imports, and developed countries like the European Union countries and Japan must cut their higher production subsidies proportionally more than the U.S. Large agricultural exporters classified as developing countries, like Brazil, also must steeply cut their agricultural subsidy.

Second, we must have an end to the large agricultural export subsidies of the European Union; and America can end its small export subsidies, which are used occasionally as a shot across the bow of the EU.

Third, we must insist that the European Union dramatically restructure its agriculture support programs by a greater delinking of subsidy programs from production at the same time as the U.S. proportionally makes the same adjustment in our smaller level of subsidy.

Mr. Speaker, the large subsidy and tariff barriers of the European Union and Japan, but also the United States, do more damage to the economies and domestic food production efforts of the world's developing countries than the combination of all the foreign aid programs of the developed countries and their NGOs. In the meantime, the American taxpayers and the taxpayers and food consumers of European Union countries pay a huge cost for the direct and hidden agricultural subsidies primarily caused by the EU's common agricultural policy.

Mr. Speaker, either we have that kind of dramatic change in foreign farm subsidy and tariff programs matched proportionally by our own, or Ambassador Zoellick should walk away from Cancun until the Europeans get the message. Let them squirm with the cost of their cap under an enlarged EU. American farmers and our small agribusiness firms will accept reform, but they are disgusted with the intransigence of the EU and the big and unfair disadvantage they face from the EU over export markets.

Ambassador Zoellick should know we demand a real substantial change from the EU, Japan, and other countries. We need to walk away from any inadequate or lopsided trade deal that is detrimental to the natural competitiveness of our farm sector; or, alternatively, the reliable pro-trade farm state block of Members will walk away from any further multilateral trade agreements. Ambassador Zoellick might bring us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A TRIBUTE IN HONOR OF DR. JEWEL LIMAR PRESTAGE: TEACHER, MENTOR, SCHOLAR, AND PUBLIC SERVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today to pay tribute to an outstanding American, Dr. Jewel Limar Prestage. Dr. Jewel Prestage is one of the first African American women to earn a Ph.D. She earned it in political science in the United States, and through her work and contributions since, has become one of the most important women of our times.

Through teaching, mentoring, research and service, Jewel Prestage has had a profound influence in the political science discipline, in the political life of our country and on the lives of the thousands of students with whom she has associated over the years. Her talent, dedication, and good works must not go unacknowledged or unappreciated.

As a distinguished professor of political science, Jewel Prestage has lectured at numerous institutions of higher education. Her service at two Historically Black Universities in the South, however, anchored her career.

For 18 years, Dr. Prestage served as the Chair of the Political Science Department at Southern University. During her tenure, this academic department became the nation's leading catalyst for the development of African American Ph.D.s in political science.

After 33 years of dedicated service, in 1989 Jewel Prestage retired from the Southern University system as the dean of its Public Policy School and of its Urban Affairs School. However, her retirement was short-lived, as Jewel Prestage joined the political science faculty at Prairie View A&M University, where she eventually became dean of the Benjamin Banneker Honors College. At Prairie View, she continued her impressive record of guiding students toward postgraduate education. In September 2002, she retired after a stellar academic career that spanned 46 years.

Jewel Prestage has been a pioneer in academic research in the area of race, gender, and politics. She was the first person to pursue research that focused on African American women legislators and the first to offer the theory of marginality to describe the political behavior of African American women.

Her book, "A Portrait of Marginality," coauthored with Dr. Marianne Githens, has become the seminal work on minority women and politics and is

referenced by many who are concerned about issues of race and gender. She also pioneered early research focusing on the political socialization of African American children and youth.

As a leader in the discipline of political science, Jewel Prestage has served as an officer and on the executive council of many of the Nation's highly esteemed political science organizations. Her capstone accomplishment was her role in the founding of the professional organization, the National Conference of Black Political Scientists.

In recognition of her service and of her achievements, these organizations have honored her with their highest awards, including the National Conference of Black Political Scientists' Fannie Lou Hamer Award, the American Political Science Association's Frank Goodnow Award, and the Southern Political Science Association's Manning Dauer Award.

The Policy Studies Organization and the Southwestern Political Science Association have also elected to honor Dr. Prestage by creating awards in her name to recognize her outstanding academic achievement in the areas of race, gender, and politics.

Jewel Prestage has made many contributions in the field of community service and has been an outstanding community servant. In the late 1960s and 1970s, she worked to prepare many Southern politicians for the new public service opportunities that became available in the wake of the Voting Rights Act of 1965. A Democratic Party faithful, she has also served as a delegate and as an appointed member of the Judiciary Council of the Democratic National Committee.

While her distinguished career in higher education and public service has resulted in many achievements, Dr. Jewel Prestage's greatest legacy may be in the inspiration she has provided to the thousands of students she has taught and mentored. Her former students have obtained many accomplishments and can be found throughout academia, the business sector, and the government.

Former students have organized academic awards and scholarships in recognition and to honor her lifetime achievements. I am proud to say that Dr. Prestage was my teacher and my dean and she has had a lasting influence on my pursuit of public service. I will be forever grateful to her for what she did for me personally and for so many others like me.

When the life of a person exemplifies such a strong commitment, others often wonder about the source of their inspiration. Throughout the years, it has become clear to many that Jewel Prestage has a deep and abiding commitment to the advancement of her community. Through her activities at Southern University and Prairie View A&M University, she encouraged students to be the best that they could be so she could help them help their communities and help them to help our

country meet its need for more African Americans with professional and graduate degrees.

Jewel Prestage cares deeply about the diversity issues in America and believes that one way our future can be secured is by producing more committed individuals who can give back to the community while serving as an inspiration to young people.

Her activities in the public sphere have been encouraged and supported by her loving husband, Dr. James Prestage, and their five children: Terri Prestage-White, James Grady Prestage, Eric Warren Prestage, Karen Prestage-Washington, and Jay Wilkins Prestage.

Her efforts merit our great appreciation and our respect. I commend Dr. Jewel Prestage for her dedication and personal sacrifice that has generated so many positive experiences and wonderful memories for so many thousands. She is an outstanding model for our Nation and an excellent example of one person who has truly made a difference in our lives, in our community, and in our Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONDITIONS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I wanted to come tonight and tell you about a trip that I took at the end of August to the country of Iraq. I spent several days over in Baghdad, Tikrit, Mosul, and Babylon.

When I got back to this country, Mr. Speaker, I turned on the evening news at night and heard one of our national anchors talking about the situation in Iraq, and I thought for a minute I must have gotten on the wrong plane and ended up on the wrong planet, because I did not recognize the country he was describing, the country that I just left.

So, Mr. Speaker, I thought it was important to come address the House tonight and to let the House know what in fact is going on in Iraq and to let people in on the good news that is happening in that country since we liberated it.

In general, Mr. Speaker, when you get over there and look around, you are struck by the fact that life is going on as normal. The markets are active. There are cars in the street. In fact, we saw a couple of traffic jams, which certainly indicate a return to civil society.

Mr. Speaker, there are satellite dishes now on the rooftops of many of the houses and apartment buildings. I

would estimate 25 to 30 percent of the domiciles have satellite dishes, and just 4 months ago those were illegal under Saddam's rule.

Mr. Speaker, our troops on the ground have done an exemplary job, and currently there are approximately 5,000 projects that have been completed by the United States military.

□ 2200

Mr. Speaker, the police force, the Iraqi police force is truly a success story. This movement has been led by Bernard Kerik who, just 2 short years ago on 9-11 in New York, was the police commissioner and amazed the city with his outstanding leadership during that time of crisis and no surprise, he has been able to provide that same leadership in Iraq. His mission there was to teach the Iraqis how to learn to do police work in a free and democratic society. Previously, all of their police work had been based on brutality and corruption. Mr. Kerik has turned out over 37,000 Iraqi policemen back in uniform. He expects to be able to get 65,000 within the next 6 months.

Mr. Kerik has gone from zero to 35 precinct stations in Baghdad in a mere 14 weeks' time. He told us that given the present state of the bureaucracy, it would take him several years to accomplish that. He has made dramatic improvements in information technology, in communications but, most importantly, his training program stressed police work, police procedure, human rights, criminal investigations and, again, not the previous framework of brutality and corruption.

Mr. Speaker, the sad fact of the matter is that the governance in Iraq, 30 years of Saddam destroyed all sense of community. There is not much of civil society left. But town councils and city councils now exist in 90 percent of the towns and villages in Iraq. The new governing council that the coalition provisional authority is standing up has been drawn from all regions of the country. They are having a preparatory convention which will be followed by a constitutional convention, which will be followed by elections. No one is absolutely sure of the time line, but 12 to 24 months was the impression that we were given.

Mr. Speaker, probably the most searing aspect of my trip to Iraq to me as a doctor was my visit to the hospital. We also were privileged to go in several of Saddam's palaces and we were struck by the opulence. I will tell you the architecture was awful, but the opulence was striking. But contrast that, Mr. Speaker, to the large teaching hospital in downtown Baghdad, a 1,000-bed hospital where they do not even have linoleum on the floor. There are no medical gasses in their neonatal intensive care unit. They could not give oxygen to a baby if they wanted. Mr. Speaker, the sad fact of the matter is that under Saddam, per capita medical expenditure in Iraq was 50 cents

per person. This has increased 9,000 percent to almost \$50 a person under the coalition provisional authority.

Just as striking, a member of the first marine expeditionary force told me a story about having gone into a medical library, he is a registered nurse, Lieutenant Colonel Keller was his name. He had gone into a medical library in Iraq and not one textbook had a copyright date later than 1984. Clearly, this is a country that has suffered massively as far as its infrastructure is concerned.

But, Mr. Speaker, I wanted to relate to my colleagues the good news. I wanted to relate to my colleagues what General Ricardo Sanchez told us while we were there. He talked to us about 90 days of progress that has been made in the country of Iraq. He pointed out that schools have concluded their school year and have conducted testing. They are beginning a new school year this month. Mr. Speaker, 90 percent of the major cities and towns have functioning town councils, and over 50 Iraqis are contributing to their own security in their Army independent of those who are already in the police force. Their prisons are on the verge of reopening. Their judicial system is functioning. Food distribution is occurring. There was no humanitarian crisis in Iraq. Their hospitals are functioning, below standards, but far better than they were before; and, most importantly, 4¼ million children were immunized. General Sanchez pointed out, and this is very important, Mr. Speaker, all of these things have happened within 90 days in Iraq. None of these things had happened within a year after our arrival in Kosovo.

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

(Mr. SHUSTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

(Mr. ETHERIDGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

(Mr. OXLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

(Mr. BEREUTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

(Ms. HARRIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, although there are some signs that the Federal government is beginning to show some attention to, and there are some signs of progress actually in our efforts to reform the immigration system and to, in fact, increase the degree of security that we have on our borders after 9-11 and, I should say that these are very small steps, but they are steps that have been taken, and we should recognize them. The fact is that we are in the process of improving the technology that we can use to make sure that the people coming into the country as visitors are who they say they are. There is both software and hardware that have to be in place now, but at least we are moving in that direc-

tion. Recently I found that we are building some barriers on the southern border, especially in and around the Douglas, Arizona area. Hopefully, these barriers will be there to protect the national parks from being inundated as they have been for some time now by hundreds of thousands of people crossing that border, and coming into the United States illegally.

There was a terrorism conference not too long ago in, I believe it was in El Paso, Texas, and several members of the administration actually recognized, actually stated, that there were problems with our immigration policy, especially as they reflected upon the security implications of this country after 9-11. That in and of itself is a very good sign, a very good sign. Somebody is at least willing to talk about the security of our borders. I think, in fact, the phrase used at the security conference down in Texas and the phrase used by a representative of the administration was that the borders are "our first lines of defense." Now, of course, we have stated that on many, many occasions. Those of us who are concerned about this issue have used those same words now for several years. But it is indeed heartening that we are hearing them being repeated now by members of the administration.

Recently I had an opportunity to visit the southern border. I went down during our August recess, I went down to Brownsville, Texas and spent some time down there looking at our border operation, actually going out on patrol with members of the Border Patrol. We went down the Rio Grande River in the evening and watched as we implemented Operation Gatekeeper and other similar types of endeavors that are designed to tighten up border security on the southern border. And I must tell my colleagues, Mr. Speaker, I was encouraged by what I saw. I saw a lot of dedicated people working very, very hard to make sure that the borders of this country are maintained, defended, and enforced. I had the great opportunity to speak to maybe 100 or so Border Patrol agents who were about ready to go out on muster, ride after muster, I should say, and wished them well and encouraged them in their efforts and, to a person, they encouraged me to continue the efforts here in the House of Representatives to encourage my colleagues to pay attention to this issue, to become involved regardless of how unpleasant we may find it to be when we get involved in this issue.

There are a lot of people, of course, who shy away from it because of the political ramifications that they fear. But there are ramifications to the country that are far more severe and far more serious than the political ramifications to someone's career here in this House.

So I was encouraged, and I have been encouraged by a few things I have seen. Now, we are a long, long way from saying that things are good and that the

momentum has shifted away from open borders, away from a position that essentially is everybody who can get here can get in. I should say that we are a long way from touchdown. There are a lot of things that need to happen at the Federal level. But what is now becoming even more disconcerting, what is now becoming a focal point and should be a focal point for a lot of our attention here in this House, is the situation that is developing throughout the States and in some localities throughout the country.

There is a publication that has been put out recently by the Federation for American Immigration Reform called the State of Insecurity, how State and local immigration policies are undermining homeland security, and I will be quoting from it liberally this evening, because I think it needs to be brought to the attention of our colleagues and to the Nation.

What we are seeing is that even though the Federal Government is inching forward toward trying to reform the immigration process in this country, and toward trying to gain a certain slight degree of security on our borders, we are watching States and localities go in just the opposite direction.

And there are, of course, certain well-known and well-documented stories and situations that we have heard about recently that I will be talking about in just a minute or two. But I will reflect upon these things and what is happening at the State level, and first we should talk about these things called sanctuary policies.

Sanctuary is a term that has been now applied to cities throughout the country that have adopted certain regulations and passed certain ordinances, all of which were designed to essentially protect the immigrant, the illegal immigrant population of their city or surrounding areas. This is happening, and there were cities that have done this in the past, College Park, Maryland and a couple of others on the eastern coast who call themselves sanctuary cities and actually passed legislation prohibiting their local police and law enforcement agencies from helping INS enforce the law. They have gone farther than that. Some cities have actually gone to the point of saying that if you are simply a resident of the city, you can vote in municipal elections.

Now, being a resident of the city, that is all that is required in some of these sanctuary cities. All you have to do is show that you have a utility bill, for instance, proving your residence and you will be able to vote. That is part of the problem, certainly, these cities that are doing things like this. New York City had something like this on the books for some time. They passed it back in 1989. Actually, it was a mayoral decree and it was specifically designed to obstruct Federal immigration law enforcement.

Now, it is amazing that even after 9-11 and New York City being Ground

Zero essentially for the terrorists, there was still a reluctance on the part of the city to repeal that particular order. It got to the point where eventually, the U.S. Supreme Court refused to overturn an appeals court ruling against the city's noncooperation policy that Mayor Bloomberg reluctantly rescinded the policy. However, a bill was submitted to the city council in New York in July of 2003 which seeks to resurrect the sanctuary policy by providing a provision banning city employees from reporting illegal aliens to local police and Federal authorities.

This comes at a time when we even know that several of the hijackers, several of the terrorists, the 9-11 terrorists were, at one time, in fact, stopped for, it turned out to be, motor vehicle violations, traffic violations, and because there was no database against which they could be checked, because some of these people were actually on terrorist watch lists; but because there was no cooperation, we were unable to detain these people, even though some of them actually, as I say, were on a terrorist watch list, but nobody knew about it when they stopped them. The police in the local area stopped them for running a red light or whatever it was for, but did not know that they were also on a terrorist watch list.

□ 2215

When you recognize that this kind of problem exists, when there is no communication among law enforcement agencies, when you also understand that there are national security implications to these sanctuary laws, there are implications certainly to laws which say that local police will not help enforce immigration policies, will not cooperate with the Federal Government.

Here in Washington, D.C., another ground zero, Police Chief Ramsey took pains to reassure the Latino Lawyers Association that the police were not backing away from a 1984 executive order that prohibits D.C. government employees from getting involved in immigration matters. Washington, D.C. is another sanctuary city. We actually have passed laws, Federal laws. In 1996 a provision was added to an appropriations bill which specifically dealt with this and said that no city or State would be allowed to impede the flow of information to the INS or restrict the flow of information from the INS. That is a law on the books today. Of course, there is no enforcement mechanism and, as a result, cities ignore it. Cities all over this country simply thumb their nose at the law because they know that there is nothing that the Federal Government can, under the present statutes, do about it.

You may recall, Mr. Speaker, that I introduced an amendment to an appropriations bill, to the appropriations bill that we were passing for Homeland Security and another one later for the Department of Justice. Both of my amendments were designed to put some

teeth into the law that is already on the books and say that if you violate the law that we already have on the books, if a city does that, if it stops the flow of information to the INS or restricts the flow of information from the INS to their local police officers, that they could not apply for Homeland Security grants or grants from the Department of Justice. We got about 120 votes for that for those two amendments.

And there was a lot of hand-wringing and consternation expressed by Members of the body over the fact that we were talking about this, and we should probably not be because it is like many immigration issues, and who wants to talk about an immigration issue when we know that there is all this great amount of emotion tied up in the discussion itself. So the amendment went down. But it is amazing to me that we do have, in fact, laws on the books which we choose in this body not to enforce.

I am sure that many people went home and said, well, I voted for the law that says they cannot do that. I voted for the law that says you cannot stop that kind of information, but they did not want to do anything that would actually make that law be able to be enforced.

Next we come to the issue of driver's licenses or as they are referred to, "the keys to the kingdom." Two years after 19 people used State-issued driver's licenses to board four airplanes and turn them into weapons of mass destruction, it is still possible in many States for anyone to acquire these documents, regardless of immigration status. Even though Virginia, New Jersey, and Florida have tightened up on it a little bit since 9-11, many other States still have very lax laws regarding who can obtain a driver's license from their State.

In the absence of a uniform Federal document, State-issued driver's licenses serve the function of providing identity. In addition to granting permission to operate a motor vehicle, the licenses are used for banking, for check cashing, for boarding airplanes, for demonstrating proof of employment eligibility, and many other purposes. They are also accepted by immigration inspectors for letting U.S. travelers return to this country after traveling to Canada, Mexico or a Caribbean destination that does not require a U.S. passport for entry. Thus, it is crucial that States recognize the vital national security role that these documents have come to play. Hence we call them, as I say, "the keys to the kingdom."

If there was any question about this, the 9-11 attacks should have put it to rest. All 19 of the 9-11 terrorists possessed one or more of State driver's licenses which they used to blend in, rent apartments, open bank accounts, and ultimately to board airplanes that they intended to crash. Yet, not only are driver's licenses still available to illegal aliens in some States, several

States are loosening restrictions on obtaining driver's licenses, and even explicitly spelling out that they will permit illegal aliens to receive them.

Of course, on Friday last, at 6 o'clock Pacific Standard Time, the Governor of the State of California signed a bill allowing illegal residents of California, illegal aliens who reside in California, and there are three to four million right now, allowing them to have driver's licenses. He did so on Friday late in the day, and the original notice of the fact that he was going to do this, a press advisory went out only to the Spanish-speaking media. Apparently, he wanted to avoid having to confront this from the standpoint of what the rest of the States would have to say about it in the hopes that he would be able to encourage and obtain votes to essentially stop the recall in California and to support him in his effort to stay in office.

Now, these are things, these are actions that are being taken by States that I believe should not go uncontested.

Mr. Speaker, I am essentially a States' rights person. I believe the States have great sovereignty. I have fought for it for all of my career in politics. I believe the Federal Government often usurps a lot of States' rights, and I would not in any way support that kind of arbitrary activity on the part of the Federal Government. But the actions taken by these States, and some of these cities, in allowing illegal immigrants the access to documents that then allow them into our society and allow them to do things that, if they have the intent to do harm to the United States, can certainly make it easy.

And, therefore, this is not just a States' issue. This is a Federal issue. We should be concerned about this at our level here. We should take some action to try to assure that in the absence of any sort of Federal identification process, that the next best thing, which is the driver's license, a State driver's license is, number one, a valid document and, number two, is not a document that can be given to people who are residing here illegally.

Now, there are not a lot of ways that the Federal Government can force States to do this. Because if we could pass a law saying States should not do it, as we have seen with the 1996 bill, States and localities will do it if there is no penalty. So we have to look at the penalty side of things. The penalty side of things almost always comes down to money.

So I have introduced today a bill that will begin restricting the availability of funds, of Federal highway funds to States that, in fact, allow illegal aliens in their State to obtain drivers' licenses. I will also be looking at other ways of dealing with this, maybe trying to restrict grants under the Homeland Security Act. There are a couple of other things we can do, but, again, it usually turns to the use of funds to get States to do the right thing.

This all, this whole issue of the drivers' licenses is coming on the heels of another sort of peculiar document that is being accepted by a lot of States in the Nation and local governments and some private corporations and private banking institutions. It is something called the matricula consular. It is a foreign government's ID that they give to their nationals who reside outside of countries of their own. The matricula consular is the card that the Mexican Government distributes to its nationals living in the United States and other countries. Of course, they have the absolute right to do that. No one is suggesting that a country does not have the right to hand out whatever kind of identification they want to their nationals. But what they have done, beyond that, is to begin a process of lobbying State and local governments in the United States to get them to accept the card. And they have gone, as I say, to the banking industry and other private entities to get them to do the same thing, and many banks have done it. Many banks have agreed to accept the matricula ID as a form of identification when somebody opens up a bank account.

Now, we have an enormous amount of problems with identity theft. We have an enormous amount of problems with people who use the banks to launder money, to launder drug money, to do a whole bunch of things, and trying to keep track of them is difficult. When you now allow people to obtain a card, which is by the way easily obtained, there are actually, Mr. Speaker, this is an interesting little aspect of this, but there are machines in Los Angeles and Chicago, machines similar to ATM's, I think most of them are by Mexican Consulates, but you can go up to this machine, you punch in some information and it will produce for you your Mexican birth certificate, which you then bring to the consulate and they will give you your matricula consular which you then take and, once again, start the process of entering into American society.

It is all too easy for people to do this. And for people to do this, especially people who have ill intent, people who have designs, people who have the desire to do very bad things to the United States. People who have the desire to change their own identity. Felons who are here, even American citizens who are felons can use this process and have, in fact, used this process to change their own identity and make them, when they get stopped by the police and the police are told by their city council that they have to accept the matricula consular as a legitimate form of ID, this person is, of course, allowed to go free.

We have arrested people coming into the country illegally. We have arrested them and on their person found many matricula consular cards. Recently we found an Iranian coming in with a Mexican matricula consular card. These are easily obtained. People are

actually going around door-to-door and selling them in Los Angeles. The Mexican Consulates are distributing them through vans that they send out in the streets of Chicago and other places. They are in no way, these cards are in no way valid forms of ID and should never be thought of as such, and the Government of the United States and certain departments, the Department of Justice, the Department of Homeland Security, have said the same thing. They have said you cannot and should not use these things. They have told the Federal Government that we should not do it. We are still wrestling with the Department of State and the Department of the Treasury who are not so sure about this thing. But the departments who have been charged with the security of this Nation are sure that these are not valid documents and should not be used by any government agencies, by any State or local agency and certainly should not be used by banks for the purposes of identifying people who are opening up accounts.

In California, the bill that was just signed by the Governor says that one of the things that you can use to get your driver's license in California, because up to this point in time California required that you have a Social Security number to get a driver's license. Well, although not perfect, it was a fairly good way to make sure that the people you are talking to are the people that they say they are and that they are here legally. Not always, but for the most part that is one form of identification that helps us make that determination.

□ 2230

Twice before, bills of the same nature were passed by the legislature in California; and twice they were vetoed by the same Governor, with this reasoning. He said there were not enough security measures in the bill so as to make sure that they could avoid the problem of misidentifying people who are then obtaining drivers' licenses and getting them fraudulently.

The bill that he recently signed had that in there for a little bit, had some security provisions in there; but they were all stripped out because of the pressure from the immigration lobby, and so the bill he got simply says this, that in order to get a driver's license in California, you can use your Social Security number, or a variety of other things including the matricula consular. You can now obtain a driver's license in California by getting a card from the Mexican consulate that says you are who you say you are.

By the way, Mexico is not the only government that does this. It has become very successful. This is a way of getting around the fact that we have not given amnesty to illegal aliens in the United States, and so the other countries are now naturally following suit. We have got several countries, mostly Latin American, South and

Central American countries that are also handing out matricula consular and using them for exactly the same purpose.

Not too long ago, we got, I believe it was the embassy in Managua if I am not mistaken, sent a memo to the Secretary of State and said, by the way, the government here is looking at how to implement a matricula consular, and we want to sort of help them out; and they were looking for a guidance from the Secretary of State here as to how they should help them because in that particular country, country that they were in and was going to give this matricula, the way that someone proves their identity is to have two other people swear that is who he says he is. I am Joe Blow and you get people to say, yeah, that is right, that is proof of identity; and, therefore, you can get a matricula consular. In California, you can then use that card to get your driver's license, and from a driver's license we know what happens. From a driver's license, I mean, this is the passport into American society.

So in all of our efforts to try and actually do something about the porous borders that we have, do something about the fact that there are enormous national security issues revolving around the fact that we have people coming across our borders without our permission and we do not know who they are, even though we are trying to do something about that, these little steps I mentioned earlier on, we are seeing States like California and others do just the opposite, making it 10 times more difficult for the Department of Justice, for the Department of Homeland Security to do their job; and what they are really doing, Mr. Speaker, is running their own immigration systems.

What we have got here is a situation where it is not just the Federal Government determining the policy of who comes in and for how long and for what purpose and exactly who they are, but now every State in the Nation is developing their own immigration policy or certainly could follow the lead of the States that are doing it, and cities throughout the Nation are doing the same thing. They are adopting immigration policies. How many are we going to have? How many are going to be enforced? It makes a sham of the entire immigration system, or perhaps I should say lack thereof.

There are, I think, Mr. Speaker, obvious implications to lax border enforcement and confused immigration policy. After 9/11, we should be enormously concerned about it. Even those people who have been reluctant to support immigration reform in the past should be willing to support the national security agenda that includes a tightening up of immigration policy.

So I really hope and believe that it is the responsibility of this Congress to take some action, to help really pull back, if you will, the immigration policy decisions into this body and into

where they belong and restrict States and local governments from setting their own immigration policies and their own course. That is probably next if this kind of thing goes on.

Tomorrow and the next day, of course, there will be many things here around the Nation's capital to mark the second anniversary of the 9/11 tragedy; and along those lines, we will be having a press conference at 11 o'clock here on the Capitol grounds, and it will be primarily to look at the fact that 9/11 and the tragedy of 9/11 did have some immigration-related issues that we should look at; and there is a gentleman by the name of Peter Gadiel who is head of a group of survivors of 9/11, people who lost family members in the tragedy in New York City, who will be speaking and who will be talking about the danger our porous borders creates, especially in terms of our ability to try and maintain some level of national security. So, Mr. Speaker, I hope that there will be a good attendance there and also that we will get some national attention drawn to this issue because I think it certainly does merit that kind of attention.

IRAQ WATCH CONTINUES

The SPEAKER pro tempore (Mr. KING of Iowa). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOFFEL. Mr. Speaker, we come to the floor again this evening as part of the Iraq Watch. For the last 2 months or so, four of us have been coming here the first evening that the House is in session each week to talk about Iraq, to talk about the policies that we think are flawed, to suggest new policies that the Nation might pursue, to ask questions about our policies and involvement in Iraq that we believe the American people need to know about and that Congress needs to know about.

The four of us who have done this week after week include the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Illinois (Mr. EMANUEL). We have been joined each week by several others, and we look forward to the discussion this evening and to continuing this each week until our involvement in Iraq has been clarified and stabilized and until we get answers to some of the questions that we think Congress is entitled to and the American people are entitled to.

Mr. Speaker, this past week the President has announced his budget request for our occupation in Iraq for next year totaling \$87 billion, a much higher figure than anticipated, on top of the \$79 billion appropriated by Congress just this past April for the 2003 budget year. This requested \$87 billion for 2004 would make our national investment over about a year-and-a-half

period of time \$166 billion, and every Member of Congress wants to make sure that we do right by the brave soldiers that are stationed in Iraq today. Every Member of Congress is determined to do right by the troops in the field, to make sure they get the support that they need, the resources they need, the equipment, the reinforcements, the supplies, everything they need to fulfill their mission as safely as possible.

So the debate that Congress will have over the next 2 or 3 weeks regarding the President's request for \$87 billion will not be about supporting the troops in the field, because we all want to do that; and we are all prepared to do that. What we will ask questions about is the President's vision for Iraq. He wants \$87 billion. I believe Congress is entitled to the benefit of his thinking to know what he plans and what his administration plans to accomplish in Iraq and how he is going to do it.

We owe those questions and deserve those answers, not just to Congress, but to the American people. It is their tax dollars being spent. It is their sons and daughters who are fighting in Iraq; and in a very tragic sense, their sons and daughters who are dying in Iraq, and this Congress needs to know some of the answers.

Fundamentally, we need to know what the plan is. We need to know what the exit strategy is. How long will we be in Iraq? What are we trying to achieve? How will we know when we have achieved it? What standards can we set for ourselves? What are we trying to accomplish? What yardsticks can we use to determine whether or not we are succeeding, whether or not more troops will be needed, whether or not more money will be needed down the road?

So I would suggest four areas before I turn to the gentleman from Massachusetts (Mr. DELAHUNT). Let me suggest four areas that I would like to see the President give information to the Congress.

The first would be regarding the military operations and occupation in Iraq, how long does the President believe that our troops will be needed, how much money will be needed, not just next year but in the foreseeable future to support those troops and how many more troops will be needed to fulfill the mission. I should point out that the civilian leadership of the Pentagon last spring estimated by this time, by September of 2003, we would only need 40,000 American troops in Iraq. Right now we have 130,000 American troops in Iraq; and clearly, that is not enough. So we need a better plan. We need to know how many troops, how long will they be here, and how much will it cost to support them.

Secondly, we need to ask the same questions and get the same answers about the reconstruction of Iraq. How long will it take to get the lights back on? How long will it take to get clean water to the villages and the cities of

Iraq? How much will it cost America to finance the reconstruction? When can we anticipate Iraqi oil revenues coming on line to pay for Iraq's reconstruction itself? How many more personnel from America will be needed, whether it is architects or engineers or teachers or government experts or lawyers? How many more personnel will be needed to move the reconstruction and the new governance forward?

Thirdly, how quickly can we internationalize the operation? I think this is a key to our success in Iraq. We have got to bring forward our allies, United Nations, other international organizations to help pay for the reconstruction and to provide their resources and assets and expertise for the reconstruction, as well as for the military security challenges. Many of us have thought that the U.N. should have been brought in months ago to be put in charge of the reconstruction. Many of us felt that NATO should have been brought in months ago to be responsible for security, but we need to know what the President's plan is, how does he foresee the internationalizing of Iraq, if he foresees that at all. This is something that we need to know.

Finally, the fourth point is, when will Iraqis be back in charge of Iraq? Clearly, America cannot run Iraq into the indefinite future. It has been said since we almost unilaterally won the military victory that we now own Iraq, Iraq is ours. I am not sure we want that to be our approach to this. We cannot own, run, dominate, occupy a foreign country for long. That is not what America is about. We will fight for freedom, we will fight to liberate, we will fight to disarm murderous tyrants. We will do many good things to help people around the world, both to help people around the world and to protect our own national interests; but occupying a foreign country for a long period of time is not what this country is all about.

So how will we get Iraqis back in charge? What do we need to do to get them back in charge? What kind of training do they need? How can they support a democratic government when they do not have a history of democracy?

□ 2245

What do we need to do to build the institutions of liberty to help them support a democracy? What do we need to do to establish a free press in Iraq, the rights of free speech, the traditions of free speech? How do we make a corruption-free and open court system in Iraq? How do we help them write a constitution? How do we get all segments of Iraq to participate in a representative government, a pluralistic government, and a democratic government? How long will it take, how do we do it, what yardsticks can we use to measure our progress?

Mr. Speaker, these are the questions I believe that Congress needs to ask of the President. These are the questions

I hope he will be eager to answer. He wants \$87 billion. It is a great deal of money. We want to do right by our American troops. We want to do right by our commitment to freedom and liberty around the world. But doing right requires us to know what we are doing and to do right by the American taxpayer as well. And so we will be putting these questions forward, and I hope that we will be getting prompt and full and complete answers from the administration.

Mr. Speaker, at this point let me turn to my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), who has been a leader in the Iraq Watch and a leader on the Committee on International Relations and welcome him to this discussion. We look forward to his comments.

Mr. DELAHUNT. Mr. Speaker, I thank my friend and colleague, the gentleman from Pennsylvania (Mr. HOEFFEL), who has led this particular conversation for some many weeks now.

My memory is that last week there were reports in many of the leading newspapers in this country that the President would come forward with a supplemental budget in the neighborhood of some \$80 billion; and this past Sunday, the American people and Members of Congress learned for the first time that that budget request would be for some \$87 billion. That is an astounding figure.

Clearly, we are on the verge of adding to a deficit that was estimated for the fiscal year of 2004 to be some \$480 billion. The way we are heading, it is now in excess, with this request, of some \$540 billion. That is disturbing, the long-term implications for what we have to look forward to in terms of an economic recovery. \$87 billion, I think it is interesting to note, exceeds the following that were items in the President's budget.

This \$87 billion we have discussed here is a supplemental budget. This is in addition to the \$79 billion that this Congress approved, it seems like just a short time ago, though it was several months ago. The entire request for the year for homeland security was \$41 billion. This supplemental request is double that amount. More than double.

Health and Human Services, \$66.2 billion. And that \$66.2 billion, we should note, includes \$27 billion for the National Institutes of Health, which is so critical to advancing discoveries for such scourges as cancer, heart disease, et cetera, et cetera.

This \$87 billion supplemental request exceeds the total amount allocated or budgeted for the Department of Education. The Department of Education budget was some \$53 billion.

It is almost three times the amount that has been appropriated for the State Department in foreign aid. That figure is some \$27 billion.

For highway and road construction in the United States, \$30 billion.

The only aspect of the President's budget that this particular supple-

mental request does not surpass are the proposed tax cuts of some \$107 billion.

This says to me, and I know it says it to my friend as well, that the costs were vastly underestimated; and now we face a difficult moment in our economic life where this recovery, if we can call it a recovery, is certainly a jobless recovery. This past month, in August, it was reported that here in the United States an additional 93,000 jobs, American jobs, were lost. This supplemental request of \$87 billion certainly will not add to the number of jobs and the number of Americans that are employed.

Mr. HOEFFEL. If I may reclaim my time, Mr. Speaker, for just a moment, the President has recently said that he will be advocating to make the 2001 tax cuts permanent. If the gentleman will recall, that tax program was too big to fit into the 10-year budget program that the Republicans put forward, so they sunsetted most of those tax cuts. But now the President wants to make them permanent, which will lose another trillion or so of revenue over the next 10 years.

I wonder if the gentleman has ever before noticed, in his study of history, a time when America was at war, where, when we asked for sacrifices from the American people, those sacrifices were limited to the middle-income and low-income people who are receiving frozen or reduced government services and, of course, are bearing most of the cost and burden of fighting our battles in Iraq, while the wealthier Americans are actually being asked to sacrifice by getting a tax cut?

Mr. DELAHUNT. Well, Mr. Speaker, if my friend would yield for a moment, of course that is absolutely aberrational in American history. In fact, during World War II, President Roosevelt asked the American people to accept a tax increase. We are not here even suggesting that this evening. But I think what we have learned is, unfortunately, the estimates that have been put forth by the administration were absolutely inaccurate, underestimated, and represented a scenario that was totally unrealistic.

I would remind my friend that Under Secretary of Defense Wolfowitz, back in March, told Congress that, and I will quote him, "We are dealing with a country that can really refinance its own reconstruction, and relatively soon." And relatively soon.

What I find fascinating is that this Congress, on a bipartisan basis, is expressing its dismay. To quote from a story that appeared in the September 9 issue of The New York Times, and this is when representatives of the administration were appearing before a Senate committee, a prominent member of that committee, Senator MCCAIN of Arizona, was dissatisfied with an answer from Mark Grossman, the Under Secretary of State for Political Affairs on how long it would take for more troops from other countries to arrive in Iraq

under United Nations auspices: "I am not asking for precisely what day," Senator MCCAIN said. "I am asking of a matter could you tell me years?" Mr. Grossman replied that should the Security Council resolution pass in the next few weeks, I can't imagine that it would be years. "that precision is not really satisfying," said Senator MCCAIN."

The level of incompetence in terms of the postwar, postmajor come-back phase, I should say, of what would be required of America, American taxpayers and American military personnel, the magnitude of that incompetence can only be described as colossal; and it has cost America its sons and badly needed revenue to meet our own domestic needs. As I indicated earlier, when I was reading through the monies available for Homeland Security, for Health and Human Services, for Education, for the functioning of the State Department in foreign assistance, this supplemental budget, by itself, exceeded all of the monies allocated for those needs.

What we know now and what we should have known is that you simply cannot have tax cuts, guns, and butter too; yet here we are tonight faced with a proposal that is really a price tag. There is no plan. The questions that the gentleman posed earlier in terms of how long will our troops be required there, when will Iraqis assume control of their own destiny and divested with the power that is necessary have not been provided.

I think that the White House and the administration and the Department of Defense have to be prepared to respond to those questions. Otherwise, I cannot imagine this body and the United States Senate approving a request that would provide the White House with a blank check. It just simply will not fly.

Mr. HOFFEL. Mr. Speaker, I thank the gentleman for his comments. Eloquent as always.

We have been joined by our colleague, the gentleman from Washington (Mr. INSLEE), and we welcome him.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I am pleased to participate in this discussion.

I think a preliminary question the U.S. Congress needs to ask itself is what role we have in acting as stewards for the taxpayers' money in this regard for \$87 billion in expenditures.

It seems to me that we ought to really scrupulously evaluate how effective this administration and their team has been to date in fulfilling its warrants to the American people in regard to the Iraqi situation. It is important to know whether this administration has been so accurate, so complete, so well-planned that, frankly, Congress ought to just give the administration a blank check and let it run. So I want to spend just 2 minutes evaluating the performance in that regard.

□ 2300

Mr. Speaker, the administration allowed the American people to believe

Saddam Hussein was behind September 11. As far as we know, according to the commission established for that purpose, that was wrong. The Bush administration led the American people to believe that Iraq was in cahoots with al Qaeda. According to information we now have, that was wrong. The administration told the American people that Iraq had literally hundreds of tons of chemical and biological companies. That may or may not be wrong, but to date appears to be. The administration told the American people that Iraq had sought to get uranium from Africa. That was wrong; in fact, fraudulent on someone's behalf. The Bush administration told the American people that troops would be welcomed with rose petals and open arms when they got to Baghdad. That turned out to be wrong.

The administration told the American people that this would be largely a self-financing operation, as the gentleman from Massachusetts (Mr. DELAHUNT) indicated. Mr. Wolfowitz said in a short period of time, the oil would flow, the dollars would grow, and the American taxpayers would not be on the hook.

This administration's record on its warrants to the American people is sadly lacking. In that context, it seems to me the U.S. Congress ought to not only ask serious, probing questions of the administration, it ought to set conditions on the expenditure of money that it may appropriate in this regard. Questions are not enough. Conditions are needed because this is a significant sum of money, \$87 billion. The entire Marshall Plan was \$100 billion. This is not a Marshall Plan, it is a partial plan because it lacks two very crucial elements.

Mr. DELAHUNT. Mr. Speaker, I call it the no plan.

Mr. INSLEE. I think it is important to be generous in the spirit of bipartisanship. I will say partial plan because it lacks two important elements.

Number one, it lacks a sincere effort to bring the international community into this effort. This administration, for reasons that are passive understanding, has had a sincere desire to be as unilateral as possible all of the way through this effort, and they have burned bridges every possible way. And now what we see to date when they finally say maybe we have to do something to rationalize this, they offer a fig leaf.

We need full international participation in this effort because Iraq is not a prize to be won, it is a burden to be shared, and both taxpayers and our military should be sharing that burden with the rest of the world rather than exclusively having the United States shoulder it. There ought to be a condition for any money that is appropriated, specifically allocated or authorized by Congress.

Second, another way that it is partial, it does not pay respect to domestic needs. The President has said that his tax cuts are a higher priority than

building schools that could be built with \$87 billion. He needs to rethink that.

Third, how it is partial, and this is perhaps long term for our children's benefit, the thing it lacks is it simply is not paying for this obligation. It seeks to borrow from our children money to pay for this operation. It borrows from the Social Security to pay for this operation. We have heard about the lockbox, and it is not a lockbox. It is pulling in Social Security to pay for this obligation.

Why does the President not want to pay for this? We should pay for it. Winston Churchill said all I have to offer is blood, sweat, toil and tears. This administration says while we have a war overseas, it will be balloons and fruit and candy back home with tax cuts, and now they want to continue to pass tax cuts, largely going to wealthy members of our society.

If this is so important to American security, the President ought to be belying up to the bar and asking Americans to recognize this not go forward with the tax cuts. That is an obligation that he ought to take and he ought to ask Americans to share in that, and he ought to be sincere in it and not have this let us be happy and fight a war at the same time. It is not the way the greatest generation did it in World War II or after World War II, and we ought to rise to that same obligation, to the world, and to our prosperity.

Mr. HOFFEL. Mr. Speaker, I appreciate the comments from the gentleman from Washington (Mr. INSLEE). We have also been joined by the gentleman from Ohio (Mr. STRICKLAND). I look forward to your comments.

Mr. STRICKLAND. Mr. Speaker, it is good to be here this evening. I am here tonight to say something that for me is kind of difficult to say. I believe the President has deceived us, that he has distorted the truth, and that he has engaged in false claims which has taken us into a war which is daily claiming the lives of our soldiers. The President and his administration told us that there was a connection between what happened on September 11, 2001, and Iraq, and thus far we have found no substantive evidence that such a connection existed.

The President told us that Iraq had weapons of mass destruction and that it was necessary for us to engage in a preemptive attack because of an imminent attack from Iraq, and thus far no such weapons have been found.

Vice President CHENEY said we would be welcomed as liberators, the people would consider us their friends; and yet the truth is that on a daily basis, young Americans are losing their lives and many more are being horribly maimed and injured, disfigured in Iraq.

The administration told us this would not cost us a lot of money because Iraq had lots of oil and as already been mentioned in March, Deputy Defense Secretary Wolfowitz told

the House subcommittee that Iraq could generate \$50 billion to \$100 billion of oil revenue over the next 2 to 3 years. He said we are dealing with a country that can finance its own reconstruction and relatively soon, and yet the President in total has requested over \$150 billion of our tax dollars to pay for our adventure in Iraq.

The President said recently that we must provide every benefit to our soldiers and protect them in any way possible, and yet tonight as we stand here on this floor in the safety of this great hall, young Americans are in Iraq wearing vests that do not have the capacity to stop bullets. They are wearing cheap vests because we have not spent the money necessary to get the highest quality protective vests for our soldiers.

Moms and dads are asking me questions. Wives and sweethearts are asking me questions, questions that I cannot answer because this administration is unwilling to come forth and tell us what the plan is, how long they are going to be there. The President recently asked for \$87 billion, American tax dollars, and we have heard a lot about that over the past few days on radio and television, but the truth is it is more than \$87 billion because he asked for billions earlier. It is over \$150 billion. But this \$87 billion is three times the amount we are spending on homeland security, three times more than we are spending to keep our country safe. It is more than we are spending on education and homeland security combined.

In this Congress we are underfunding the No Child Left Behind bill by \$8 billion. We are underfunding veterans health care by \$1.8 billion. The President is trying to impose additional costs on our veterans. He is asking our veterans to pay \$15 a prescription, up from \$7 a prescription. He is wanting to impose a \$250 annual enrollment fee so that many of our veterans can participate in the VA health care system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). The Chair would remind all Members to refrain from improper references to the President, such as accusing him of deception.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, let me say that \$1.8 billion underfunded does not include the fact that this administration, within the past year, has denied access to health care benefits that this Congress in 1996 mandated for all veterans.

□ 2310

Now we have a situation where the administration is encouraging no outreach, do not tell. They have a do-not-tell policy.

Mr. STRICKLAND. They have a gag order. They have a gag order. They have instructed their doctors and social workers and nurses who work in our VA hospitals, they have told them they cannot participate in community health fairs.

They cannot send out newsletters informing our veterans of the services they are entitled to receive. They cannot make public service announcements informing the veterans of what this Congress has provided them under the law.

We are willing to spend money in Iraq but we are not willing to take care of our veterans. In my judgment it is shameful what we are doing to our veterans.

Then they decided that they were going to create a new category of veteran. We call them Priority 8 veterans. You can make as little as \$25,000 and this administration considers you high income. And they say you cannot enroll in VA health care. You can be a combat decorated veteran and be excluded.

Mr. DELAHUNT. I think that is so important to repeat. And we should say it slowly so that those in the viewing audience hear it clearly. And I would challenge any member of this branch to come forward and rebut it. If you earn over \$25,000 and are a combat veteran, and you are described as a Priority 8 veteran, and understand there are hundreds of thousands that fall within that classification, you cannot enroll in a veterans health care program in this country. That is more than shameful; it is unconscionable.

We sent these young and women to war, and when they come back, we dishonor them, we disrespect them.

Mr. STRICKLAND. And we are talking about if we had an additional \$1.8 billion, we could include those veterans. We are quibbling over \$1.8 billion when we are being asked to approve \$87 billion for Iraq. It is beyond belief.

Mr. INSLEE. Is it a fair statement that under the policies of this administration that they have advocated as far as their budget that the veterans system that was in existence when these soldiers and sailors went to Iraq, when they come back from their extended tours, which are now being extended to the surprise of many, will come back to a veterans system that is less beneficial and less protective than when they left?

Mr. STRICKLAND. Absolutely.

Mr. Speaker, I got a letter from a young West Point graduate. He graduated from West Point just literally a few months ago. He is in Baghdad tonight. He wrote me about 2 months ago. He said, Congressman, they are issuing two kinds of vests here, one is capable of stopping bullets, the other is only capable of stopping fragments. And my men are wondering why they have the cheap vests.

We took months to build up to the engagement in this conflict. We had plenty of time to make sure that every need that our soldiers may face in terms of equipment was available for them. It disturbs me that there may be young Americans tonight whose lives are unnecessarily in danger because this government has not provided them with the best possible protection.

That really disturbs me. It ought to disturb everyone who serves in this Chamber, everyone who serves in the Senate and certainly it ought to disturb the President.

Mr. INSLEE. It would disturb anyone who has gone to Bethesda Naval Hospital, as I have, and have talked to the Marines who have lost limbs and who have had crushing injuries of lifetime disability, to think that they are going to have less effective and comprehensive medical care than existed before they started this battle. That is not what they ought to be fighting for. It also seems to me to be appropriate for this administration to throw overboard its predilection for unilateralism, this desire to go it alone, this kind of macho policy of not allowing anyone else to be an ally with you, to bring other people involved in this effort, not just American GIs and Marines. Because the success of this mission depends on winning the respect of the Iraqi people, and winning the respect of the Iraqi people for whatever new government is formed is going to be more enhanced if we get more people from around the community internationally to be involved in this effort additionally sharing this burden.

I may add, too, the injuries are truly severe. We cry and we pray over those who have not come home, but we have got a very high proportion of very severe injuries from this, in part because of the magnificent trauma care that we have now developed, at least at the scene of the battle. These kids deserve a veterans plan that is going to treat them as well as their fathers and their grandfathers were treated and better.

That is not happening right now and is a symptom of this administration's addiction to these tax cuts on an altar that is higher than any other human value, including veterans health care, and it is wrong. During this debate about this \$87 billion, we should make sure that this issue is addressed, too, and not swept under the rug.

Mr. DELAHUNT. I cannot agree more. There has to be, as a precondition, serious consideration of this supplemental budget request for \$87 billion and an honest and sincere effort to restore the \$1.8 billion, \$2 billion, whatever that number be, to provide those veterans the kind of services that they are entitled to and that they defended this country so bravely to secure for future veterans.

While we are talking for a moment about the military, it was the Congressional Budget Office that identified a looming problem. In March, we will have to start withdrawing most of our troops in Iraq if we want to maintain an acceptable level of military readiness. That is on the horizon. As the gentleman from Washington indicates, I do not see other nations rushing to provide a coalition, a genuine coalition that will provide the kind of security and stability that is necessary for the reconstruction of Iraq. I am sure many in the audience and those of you here

tonight have noted in the most recent edition of Time magazine on the cover, *Are We Stretched Too Thin?* I daresay if you listen to General Schwarzkopf, if you listen to our military leaders who will speak in private, they will say we are stretched very, very, very thin. And here we are, contemporaneously with addressing this issue, we are now in the process of discussions that we cannot predict how they will go relative to the threat of a nuclear North Korea.

□ 2320

Some statements have been made by members of this administration that the military option has not been removed from the table. What are we talking about?

Mr. INSLEE. If the gentleman will yield, I think it is very important that the gentleman points out about the difficulty of perhaps having to bring folks home because we are stretched thin beginning in March, and the reason that is important is it points out a fundamental truth that the administration has refused to share with the American people. They have not leveled with the American people on one fundamental truth, and that is the first 60 or \$65 billion that was allocated was just a down payment. This second \$87 billion is a second of many installments. We have already heard talk about another \$30 billion to \$60 billion following this one. This could lead to a significant restructuring of the entire U.S. military by increasing the number of troops to deal with this rotational need of our military.

Mr. DELAHUNT. Let me ask the gentleman, does this mean that at some point in the future, if we continue to have a foreign policy that creates these significant needs for military personnel, that some day on the floor of this House we will be debating the necessity for a draft?

Mr. STRICKLAND. I think so.

Mr. INSLEE. That is the \$64,000 question.

Mr. DELAHUNT. It is time to ask these kinds of questions.

Mr. INSLEE. The gentleman points out something that I think is important and that is that the President needs to level with the American people about the real cost of this.

Now, right now we have volunteers suffering the real cost of this war with loss of life and limb; but our children have a real cost they are enduring too, a Federal deficit that has gone over \$500 billion this year with this additional \$87 billion, the highest deficit in American history; and that is a real cost that the President, if he wants to show real leadership, would level with the American people about and say that we need to pay for, rather than hiding the cost and playing a fiscal shell game and putting that on our children.

The only way to level with the American people is for him to throw aside at least some of the tax cuts, at least the

additional tax cuts that he wants to give to the wealthiest folks in this country. If he believes the security interests of the United States demands that, then honesty to our children demands that and honesty about the true cost of war.

That is why I believe when this debate starts, it is going to be very important for the U.S. Congress to condition any funds that are appropriated on making sure that it is paid for by us and not shucked off on the backs of our children as further deficit spending, as this administration has been wont to do, as it is necessary to condition this money on something that is going to be a requirement for success, and that is to get the rest of the world involved in this effort. It is the only way to win the Iraqis' respect for our ultimate efforts.

Mr. HOFFEL. The gentleman has made several very good points, and he has been talking about the notion of whether or not the President is leveling with the American people.

I would like to get back to an earlier discussion. A suggestion was made by one of us this evening that the President was deceitful and we were admonished by the Chair that was not appropriate language. None of us are here to challenge the Chair. We are here to ask for the truth and ask questions about our policies in Iraq.

I would like to review the bidding a little, to set this question in some context, whether or not the President has been deceitful.

The President and his top advisers in the fall of 2002 said with complete certainty that Saddam Hussein had weapons of mass destruction, was developing more weapons of mass destruction, was developing a chemical weapons of mass destruction program, a biological weapons of mass destruction program, and was probably moving forward to try to restart a nuclear weapons of mass destruction program, long before the State of the Union address this past January. I am speaking now of September 2002.

In private briefings many of us received at the White House the same representations were made: complete certainty that the weapons of mass destruction program in Iraq was in full bloom and full speed ahead with, as I think the gentleman said, hundreds of tons of these weapons in the possession of Saddam Hussein, more on the way.

The briefing I attended with maybe 15 of our colleagues was led by George Tenet and Condoleezza Rice in the Roosevelt Room of the White House. In their presentations and in their answers to questions from Members of Congress, a bipartisan group of us, complete certainty was expressed. At one point, Mr. Tenet, being asked would you rate on a scale of zero to 10 your certainty about the presence of these weapons in Iraq, he said 10.

Mr. STRICKLAND. Pretty certain.

Mr. HOFFEL. It is not just that we have not found those weapons. Maybe

they are there and hidden away, but we sure have not found them yet. It is not just we have not found them. It has now come to light that the White House was being given classified information by the intelligence agencies last fall that was telling the White House that there was great uncertainty about the state of Iraq's weapons of mass destruction program.

These then-classified documents, now available in part because the White House declassified one to try to prove its case, and the other because it is now available for us to read at the Permanent Select Committee on Intelligence office, the Defense Intelligence Agency report of September 2002 and the National Intelligence Estimate of October 2002 are replete with expressions of doubt, uncertainty. I remember the phrase "no credible evidence" that Hussein had an ongoing chemical weapons program.

None of those doubts were reported to the American people or to Congress, none of that uncertainty was expressed; and it is my belief that the President exaggerated the threat of weapons of mass destruction in the fall of 2002, in the buildup to the war, in order to secure public support and congressional support for an authorization of war.

I will yield when I have unloaded my frustrations, which will be in just a moment.

It is my belief that the President misled Congress, and it is my understanding from the documents that I have since read that are now available to us that were not available to us in the fall of 2002 that the White House was well instructed about the doubts and the uncertainty from the CIA, the FBI, and the rest of the intelligence agencies.

Now, if it is objectionable to say that on the floor of the House, if the Republican leadership does not want to hear that on the floor of the House, bring it on. Let us bring it on right here, because this is the nub of the argument. This is what we are here to ask about.

I would be happy to yield to my friend.

Mr. STRICKLAND. The American people really do not care what word we use, but they understand what has happened. They listened to the President go on TV and address the national audience. They heard his references to a connection between al Qaeda and Iraq and September 11. They heard everything that was said about weapons of mass destruction.

We do not have to pick a particular word. The American people understand that the situation that was described for them was an unreal situation, and the result is this: we have got thousands of our troops in Iraq tonight. They are inadequately protected. We are not providing them the best protection possible. We are not. And I challenge anyone in this administration to challenge that statement, to tell me that they have got the best vests that

we can buy, to tell me that they are as protected as they possibly can be. I do not believe it, based on what I have been told and I think what the facts show.

So I do not want to quibble about what words we may use, but my friend has been very accurate. The gentleman has laid out the case as it unfolded.

Now we are being told, well, we are there, so we might as well just, oh, get on board and get this over with. I think it is appropriate for us to ask whether or not those who are providing leadership are worthy of our confidence. Are they competent people? Have they told the truth? Can we trust them to make further decisions about what is happening in Iraq? Those are the questions that must be answered.

Mr. DELAHUNT. I think it is important that we stress that this is not just Democrats that are posing these questions. This past week on, I think it was the "CBS Early Show," someone who understands combat, someone who was in war and who is a decorated veteran of the Vietnam conflict, CHUCK HAGEL, Republican from Nebraska, said this: "The administration has done a miserable job of planning the post-Saddam Iraq."

□ 2330

The administration has done a miserable job of planning the post-Saddam Iraq. That is Senator HAGEL. We all know Senator HAGEL. Everybody in Congress respects and acknowledges his integrity, but he was right too. Maybe we failed in our responsibility collectively. I am talking about the House as well as the other branch. Because he pointed out that we allowed the administration to treat us like a nuisance. We did not ask the questions. Some of us did. But no, in the heat and in the vast amount of publicity that was attendant to the President and Vice President CHENEY and Under Secretary Wolfowitz's natural access to the media, people did not ask the tough questions. Well, not this time.

Mr. STRICKLAND. That is right.

Mr. DELAHUNT. Not this time. We want a plan, and we want all of the answers.

I can remember Secretary Feith coming in front of the Committee on International Relations. I asked him, give me just an idea of the costs to rebuild Iraq. He said, I do not have any answers.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, precisely on that question, we need an answer as to whether or not reports today in the Los Angeles Times are correct that the \$87 billion figure is some \$55 billion short of what the administration in anonymous leaks are indicating is actually needed, and that the \$87 billion is to take us up until the election; and then somehow, we are to magically find \$55 billion from supposed allies. The exact quote, as a matter of fact, is that according to the Los Angeles Times, they said they would

"pressure other countries to come up with the additional funds needed to restore security in Iraq and repair its ravaged infrastructure." And I think everything that has been said tonight is indicative of the proposition that has just been made over these past few minutes that before we vote on this \$87 billion, we have to ask the question: Is this actually the number that you are using, even internally?

Mr. DELAHUNT. And does that include the \$2 billion necessary for veterans health care benefits.

Mr. ABERCROMBIE. And that is why we have to have this money authorized. That is why we have to have hearings in the Committee on Armed Services, the authorization committee. This is not just a supplemental bill to be taken to the Committee on Appropriations; this Congress needs to authorize the money that is involved in reconstruction and security in Iraq, or we are failing in our congressional duties.

Mr. HOEFFEL. Mr. Speaker, would the gentleman explain that for the viewers? Would the gentleman explain the point he is making about the difference between authorization and appropriation?

Mr. ABERCROMBIE. Very quickly, yes. Good point. Just as it is in our State legislatures, we have to authorize, that is to say, a committee must authorize the expenditure of money before it can be appropriated. The subject matter committee, in this instance the Committee on Armed Services, must take up the question: Will we authorize the expenditure of funds? The Committee on Appropriations may, if they have an authorization, appropriate up to or, in some instances, even exceed the amount of money that is there, if they can gain the approval of the legislature; but that is the object, to have a hearing as to what, in fact, should be done. That is to say what is the policy, and then attach a money figure to it.

What we are doing is saying we are going to put money out there and then figure out a policy afterwards. What I am saying and I think all of us are saying tonight is, let us get the policy down first, and then figure out what it costs and then determine whether there is a cost-benefit ratio to that policy.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I think there is an additional thing we need in addition to the sage comments of the gentleman from Hawaii (Mr. ABERCROMBIE); we need to stop the administration from stealing from the Social Security trust fund to pay for this war, and that is what they are telling us they want to do. They want to take \$87 billion out of the Social Security trust fund to pay for this war. And the reason they want to do it is that they refuse to let go of their goal of continuing further tax cuts for the wealthiest folks in this country, and that is morally, ethically wrong to our children. And this Congress has an obligation to our kids to stop it right here during this supple-

mental, and I trust that we are making an effort to do that.

Mr. DELAHUNT. Mr. Speaker, if I could make a final concluding remark, and then I will then defer to the gentleman from Pennsylvania (Mr. HOEFFEL). There was a report today, or rather Monday, in The Washington Post that the Secretary of Defense, Mr. Rumsfeld, when he was concluding his 4-day trip to Iraq and Afghanistan, complained that critics of the Bush administration's Iraq policy are encouraging terrorists and complicating the war on terrorism. Give me a break.

Mr. STRICKLAND. Can I respond to that, please?

Mr. DELAHUNT. Yes. Give me a break. We are going to ask the question.

Mr. STRICKLAND. I hope the Secretary never says that in my presence, because if he does, I am going to have to challenge him. None of us, none of us condone terrorism. In fact, we are here because we are concerned that this administration is not adequately waging the war on terrorism. "Osama bin Forgotten" is out there somewhere planning the next attack on this country. The President said he can run, but he cannot hide. Well, he ran and he has hidden, and he is planning the next attack. And for the Secretary to say such a thing outside the country, outside the country I think is grossly unfair and I think the Secretary owes this Congress and each of us who have a responsibility under the Constitution to represent our constituents and to speak our mind as we believe the truth to be, he has no right to make such an accusation against any of us.

Mr. INSLEE. Mr. Speaker, if I may dovetail on your disenchantment with the total irresponsible comments of the Secretary. He said there was al Qaeda in Iraq before our attack on Iraq, and the evidence would suggest that was not the case. But as a result, following his efforts and his strategy, they are in Iraq and Iraq indeed has been turned into a potential breeding ground for terrorism. That is the kind of policy we do not want to see continued. This is the kind of mistake we do not want to see this administration make again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). As a general reminder, the Chair would like to reiterate that as stated in section 370 of the House Rules and Manual, suggesting mendacity on the part of the President is not in order, even by innuendo. As such, the Chair would reiterate that accusations of intentional deception are not in order.

Furthermore, the Chair will remind Members that it is not in order to quote Senators' remarks spoken in the media.

CLOSING REMARKS ON IRAQ
WATCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I do not intend to take the 5 minutes. I would like to defer to the gentleman from Pennsylvania (Mr. HOEFFEL) for such concluding remarks as he might like to make.

Mr. HOEFFEL. Mr. Speaker, I thank the Chair, and I thank the gentleman for his cooperation. I would like to thank the gentlemen that joined in the discussion this evening. We will be back next week, and the Iraq Watch will continue to ask questions about our policies in Iraq. We need to discuss some legislative proposals such as the gentleman from Illinois (Mr. EMANUEL) has made, his American Parity Act, which would require the spending of equivalent dollars on our American domestic needs for each dollar spent on domestic needs in Iraq. If we are going to spend \$10 billion on housing in Iraq, we want to do the same in America. If we are going to spend money on water systems or infrastructure improvements in Iraq, we are suggesting we do the same in America.

□ 2340

That legislation deserves consideration during our next weekly discussion. We will ask more questions about the administration's policies. We hope we will get answers. I think it is a consensus view of all of us that we need to know what the plan is in Iraq. And we need to know what our exit strategy is in Iraq before this Congress will be comfortable in appropriating another \$87 billion. We need to know what our strategy is, what conditions we are trying to achieve, what yardsticks we can use to measure our progress, how we can internationalize the situation in Iraq, how we can get Iraqis back in charge of Iraq because that must be the ultimate goal for all of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

Mr. JANKLOW (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. MCHUGH (at the request of Mr. DELAY) for today until 7:00 p.m. on account of attending the funeral of his constituent, Sergeant Chad E. Fuller, who was killed on August 31 in Afghanistan while supporting Operation Enduring Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Tennessee) to revise and extend their remarks and include extraneous material):

Mr. MENENDEZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material):

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 10.

Mr. NORWOOD, for 5 minutes, September 10 and 11.

Mr. HENSARLING, for 5 minutes, September 10.

Mr. BURTON of Indiana, for 5 minutes, September 16.

Mr. PAUL, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and September 10.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, September 10 and 11.

Mr. OXLEY, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 10.

Mr. BEREUTER, for 5 minutes, today.

Ms. HARRIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 10 and 11.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material):

Mr. ABERCROMBIE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 64. Concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes; to the Committee on Armed Services.

S. Con. Res. 65. Concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq; to the Committee on Armed Services.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes

p.m.), the House adjourned until tomorrow, Wednesday, September 10, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamidiprid; Pesticide Tolerance [OPP-2002-0299; FRL-7324-1] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment [OPP-2003-0288; FRL-7323-9] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0267; FRL-7321-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4044. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propylene Carbonate; Exemption from the Requirement of a Tolerance [OPP-2003-0284; FRL-7323-7] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4045. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0279; FRL-7323-1] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4046. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4047. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4048. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4049. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Scott A. Fry, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4050. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Emil R. Bedard, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4051. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Lending and Investment [No. 2001-82] (RIN: 1550-AB37) received September 2, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4052. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Distribution of Tax Credit Proceeds [Docket No. FR-4792-1-01] (RIN: 2502-AH91) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4053. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4054. A letter from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4055. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4056. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Smallpox Vaccine Injury Compensation Program: Smallpox (Vaccinia) Vaccine Injury Table (RIN: 0906-AA60) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4057. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of the Breast Lesion Documentation System [Docket No. 2003P-0301] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [Docket No. NHTSA-99-5157] (RIN: 2127-AH03) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4059. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Definition of Multifunction School Activity Bus [DOT Docket No. NHTSA-2002-13704] (RIN: 2127-AH23) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4060. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Heavy Vehicle Antilock Brake System (ABS) Performance Requirement [Docket No. 03-15277] (RIN: 2127-AH16) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4061. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [OAR-2003-0005 — FRL-7546-8] (RIN: 2060-AG96) received August 19, 2003,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4062. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-5] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4063. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4064. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [CA 284-0399a; FRL-7536-2] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4065. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District [CA 245-0403a; FRL-7535-1] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4066. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA267-0402a; FRL-7526-6] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4067. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; Sacramento Metropolitan Air Quality Management District [CA 279-0401a; FRL-7526-4] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4068. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Docket ID No. OAR-2003-0121; FRL-7551-3] (RIN: 2060-AE82) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4069. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing [OAR-2003-0039; FRL-7551-2] (RIN: 2060-AJ02) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4070. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7550-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4071. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 190-1190a; FRL-

7552-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants [Docket ID No. OAR-2002-0052; FRL-7551-7] (RIN: 2060-AG72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining [Docket ID No. OAR-2002-0043; FRL-7551-4] (RIN: 2060-AH03) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [OAR-2003-0138; FRL-7551-6] (RIN: 2060-AE79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA 287-0410a; FRL-7548-3] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 249-0409; FRL-7546-5] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan: Definition of Volatile Organic Compound [MI83-01-7292a, FRL-7526-9] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4078. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN79-1a; FRL-7543-6] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4079. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Wisconsin [WI-113-3; FRL-7528-7] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4080. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network

Earth Stations and Space Stations [IB Docket No. 00-248] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4081. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248]; Home Box Office Motion for Clarification and Declaratory Ruling [IB Docket No. 96-111] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4082. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees — received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4083. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, and -61BT Revision (RIN: 3150-AH26) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4084. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning the Coordination of Production and Support of the Lightweight 155MM (LW 155) Towed Field Howitzer between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4085. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's 2001 Annual Report on Title XII — "Bringing Farmers into Global Trade" as required by section 300 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

4086. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4087. A letter from the Human Resources Specialist, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4088. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4089. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting;

Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-142-FOR] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Acting Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004 [Docket No. 021028257-3178-02] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2001 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

4094. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Aliens Inadmissible Under the Immigration and Nationality Act — Unlawful Voters — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as amended: Automatic Visa Revalidation — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Policy Statement on Monetary Equitable Remedies in Competition Cases — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4097. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's report of audit for the year ending March 31, 2003, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4098. A letter from the Acting Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule — Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events: Atlantic Ocean, Atlantic City, NJ [CGD05-03-107] (RIN: 1625-AA08) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; 2003 Gravity Games, Cleveland Harbor, Cleveland, OH [CGD09-03-258] (RIN: 1625-AE11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the De-

partment's final rule — Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01-02-104] (RIN: 1625-AA00, AA11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-080] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — User Fee Airports [CBP Dec. 03-22] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin [CGD09-03-227] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bogue Sound, NC [COTP Wilmington 03-117] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-079] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sailing Vessels Red Witch, Pride of Baltimore II, Larinda, True North, Nina, HMS Bounty, Fair Jeanne — Kenosha, Wisconsin [CGD09-03-246] (RIN: 1625-AA97) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Lake Michigan, Chicago, IL [CGD09-03-253] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-03-025] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Long Beach, CA [COTP Los Angeles-Long Beach 03-007] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA [COTP New Orleans-03-024] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-026] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, Florida [CGD07-03-131] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL [CGD08-03-031] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 964.8 at Fort Pierce, St. Lucie County, Florida [CGD07-03-071] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, and Crystal River, Florida [COTP Tampa 02-053] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4117. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [CGD05-03-125] (RIN: 1625-AA08) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Islais Creek, San Francisco, CA [CGD11-03-004] (RIN: 1625-AA09) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4119. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [CGD05-03-122] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4120. A letter from the Acting Chief, Regulations and Administrative Law, USCG, De-

partment of Homeland Security, transmitting the Department's final rule — Safety Zone; Motor Vessel Fairlane Port Washington, Wisconsin [CGD09-03-265] (RIN: 1625-AA97) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4121. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zones; Barge BEAUFORT 20, Explosive On-Load and Transit, Puget Sound, WA [CGD13-03-029] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4122. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Operation of Motor Vehicles by Intoxicated Persons [Docket No. NHTSA-2002-13680] (RIN: 2127-A144) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4123. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Oversales Signs [Docket No. OST-96-1255] (RIN: 2105-AC45) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4124. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Cargo Tanks [Docket No. RSPA-98-3554 (HM-213)] (RIN: 2137-AC90) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Digital Flight Data Recorder Requirements — Changes to Recording Specifications and Additional Exceptions [Docket No. FAA-2003-15682; Amendment Nos. 121-288, 125-42, 135-84] (RIN: 2120-AH81) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — DOD Commercial Air Carrier Evaluators [Docket No. FAA-2003-15571; Amdt Nos. 119-8, 121-286, and 135-83] (RIN: 2120-A100) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134; Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Flightdeck Security on Largo Cargo Airplanes [Docket No. FAA-2003-15653; Amendment Nos. 121-287 and 129-37] (RIN: 2120-AH96) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Railroad Locomotive Safety Standards: Clarifying Amendments; Headlights and Auxiliary Lights [Docket No. FRA-2003-14217; Notice No. 1] (RIN: 2130-AB58) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Secretary, Department of Transportation, transmitting A draft of a bill design to undertake a restructuring of intercity passenger rail transportation in the United States that will increase management accountability and encourage response to market forces; to the Committee on Transportation and Infrastructure.

4131. A letter from the Executive Vice President, River System Operations and Environment, Tennessee Valley Authority, transmitting the Authority's final rule — Approval of Construction in the Tennessee River System; Regulation of Structures; Residential Related Use on TVA-Controlled Residential Access Shoreland and TVA Flowage Easement Shoreland (RIN: 3316-AA19) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Director, Regulations Management, Department of Veteran's Affairs, transmitting the Department's final rule — Effective Dates of Benefits for Disability or Death Caused By Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary (RIN: 2900-AL37) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4133. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Tonnage Duties—Revised Amounts [CBP Decision 03-16] (RIN: 1515-AD35) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4134. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Changes to Customs and Border Protection List of Designated Public International Organizations (CBP Dec. 03-21) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4135. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Manufacturing Substitution Drawback: Duty Apportionment [CBP Dec. 03-23] (RIN: 1515-AD02) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4136. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Delegations of Authority: Signature of Customs and Border Protection Regulations Published in Federal Register [CBP Dec. 03-24] (RIN: 1515-AD39) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4137. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Emergency Import Restrictions Imposed on Ethnological Material from Cyprus [CBP Dec. 03-25] (RIN: 1515-AD38) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4138. A letter from the Secretary, Department of Homeland Security, transmitting a draft bill entitled, "To Extend the Consolidated Omnibus Budget Reconciliation Act Customs User Fees," pursuant to 19 U.S.C. 58(c); to the Committee on Ways and Means.

4139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Offers in Compromise (Rev. Proc. 2003-71) received August

26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-101) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4143. A letter from the Under Secretary, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

4144. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the FY 2001 Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

4145. A letter from the Secretary, Department of Energy, transmitting notification to Congress of legislation to allow the Department of Energy (DOE), in consultation with the Nuclear Regulatory Commission (NRC), to address management and disposal of high-level radioactive wastes safely and coast effectively; jointly to the Committees on Energy and Commerce and Science.

4146. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Cost Reports [CMS-1199-F] (RIN: 0938-AL51) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4147. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, "To amend Title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to care for veterans, and for other purposes"; jointly to the Committees on Veterans' Affairs, Government Reform, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108-263, Pt. 2).

Mr. SESSIONS: Committee on Rules. House Resolution 360. Resolution providing

for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108-267). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself and Mr. POMEROY):

H.R. 3035. A bill to establish an informatics grant program for hospitals and skilled nursing facilities in order to encourage health care providers to make major information technology advances; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3036. A bill to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. FEENEY:

H.R. 3037. A bill to strengthen antiterrorism investigative tools, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself and Mr. BROWN of Ohio):

H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. GREENWOOD, Mr. TIBERI, Mr. KELLER, Mr. WILSON of South Carolina, Mr. CARTER, Mr. BURNS, Mr. HOUGHTON, Ms. ROS-LEHTINEN, Mr. NEUGEBAUER, and Mr. NUNES):

H.R. 3039. A bill to expand opportunities for postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. CARTER, and Mr. FORBES):

H.R. 3040. A bill to strengthen to enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 3041. A bill to amend title 38, United States Code, to extend the period during which a member of the Armed Forces may enroll for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. SANDLIN, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. SESSIONS, Mr. CARTER, and Ms. GRANGER):

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for certain air and water pollution control facilities and to provide that the volume cap for private activity bonds shall not apply to bonds for such air and water pollution control facilities, facili-

ties for the furnishing of water, and sewage facilities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. THOMPSON of California, Mr. ENGLISH, Mr. MCHUGH, Mr. RADANOVICH, Mr. REYNOLDS, Mr. POMBO, Ms. ESHOO, Mr. GOODE, Mr. MCINNIS, and Mr. HOUGHTON):

H.R. 3043. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 3044. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DREIER (for himself and Ms. WATERS):

H.R. 3045. A bill to amend section 105 of the Housing and Community Development Act of 1974 to permanently extend the public service cap exemption for certain grantees under the community development block grant program; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 3046. A bill to correct and improve the prohibition against terrorism transcending national boundaries, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 3047. A bill to prevent the sale of tobacco products to minors by means of electronic or mail-order sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTER:

H.R. 3048. A bill to limit assistance for the Palestinian Authority and the Palestinian people during fiscal year 2004; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. ALLEN, Mr. ROSS, and Mrs. JONES of Ohio):

H.R. 3049. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 3050. A bill to provide a 10 percent increase in the rate of basic pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 3051. A bill to pay a one-time bonus to members of the Armed Forces who served or serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. KING of Iowa, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mr. SMITH of Texas, Mr. DEAL of Georgia, and Mr. GOODE):

H.R. 3052. A bill to amend title 23, United States Code, to discourage States from issuing an identification card or driver's license to an alien not legally authorized to be in the United States; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H.R. 3053. A bill to amend the Internal Revenue Code of 1986 to increase the top two individual income tax rates and to repeal the capital gains treatment of dividend income, and to use the revenue therefrom to make

emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and in support of the global war on terrorism and for the relief and reconstruction of Iraq and Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. COX, Mr. KIRK, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, Mr. PITTS, Mr. BEREUTER, Mr. HOUGHTON, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, Mr. ENGEL, Mr. CROWLEY, Mr. KENNEDY of Rhode Island, Mr. PAYNE, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mrs. LOWEY, and Mr. MENENDEZ):

H. Con. Res. 274. Concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on International Relations.

By Mr. ANDREWS:

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that all airport screening functions should continue to be performed by Federal employees and that all employees of the Transportation Security Administration, including Federal airport screeners, should be permitted to engage in collective bargaining and be represented in collective bargaining by a representative or organization of their choosing; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Ms. PELOSI, Mr. LANTOS, Mr. WOLF, Mr. SMITH of New Jersey, Mrs. LOWEY, Mr. KIRK, Mr. FALEOMAVAEGA, Mr. RAMSTAD, and Mr. WELDON of Pennsylvania):

H. Res. 359. A resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy; to the Committee on International Relations.

By Mr. DEAL of Georgia (for himself, Mr. BURNS, Mr. COLLINS, Mr. GINGREY, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, and Mr. NORWOOD):

H. Res. 361. A resolution expressing the condolences of the House of Representatives upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the House for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation; to the Committee on Armed Services.

By Mr. WALSH (for himself, Mr. BOEHLERT, Mr. HAYES, Mr. THOMPSON of California, Mr. GIBBONS, Mr. BOSWELL, Mr. ROGERS of Michigan, Mr. ROSS, Mr. KIND, Mr. JOHN, Mr. SIMMONS, Mr. WICKER, Mr. FEENEY, Mr. JEFFERSON, Mr. DINGELL, Mr. RAHALL, Mr. JANKLOW, Mr. UDALL of Colorado, Mr. CASE, Mr. MICHAUD, Mr. BERRY, Mr. RYAN of Wisconsin, Mr. DOOLITTLE, Mr. GOODE, Mr. BALLENGER, Mr. SPRATT, Mr. OSBORNE, Mr. SNYDER, Mr. POMEROY, Mr. ROGERS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. ISTOOK, Mr. YOUNG of Alaska, Mr. PETERSON

of Minnesota, Mr. MCHUGH, Mr. CARSON of Oklahoma, Ms. HARRIS, Mr. SESSIONS, and Mr. GREEN of Texas):

H. Res. 362. A resolution recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities; to the Committee on Resources.

By Mr. WEXLER (for himself and Mr. SHAW):

H. Res. 363. A resolution recognizing the achievements of SUPERB (Students United with Parents and Educators to Resolve Bullying) and its founders Jeremy and Sharon Ring to address the growing problem of bullying in the Nation's schools; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Ms. SCHAKOWSKY, Mr. HOFFEL, Mr. MEEKS of New York, Mr. DEFAZIO, Ms. LEE, Mr. BROWN of Ohio, Mr. EMANUEL, Mr. FARR, Mr. ABERCROMBIE, Mr. ENGEL, Ms. WATSON, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. KUCINICH, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. TIERNEY, Mr. McDERMOTT, Mr. MENENDEZ, Mr. GRIJALVA, Mr. MARKEY, Mr. BLUMENAUER, Mr. BELL, and Mrs. MALONEY):

H. Res. 364. A resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

197. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 41 memorializing the President and the Congress of the United States to increase federal funding to the states for child lead poisoning screening programs, and to especially ensure the availability of adequate funding to provide lead poisoning screening for all Medicaid-eligible children; to the Committee on Energy and Commerce.

198. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 219 urging Congress to enact legislation providing reimbursement of health care-related expenses incurred between 1995 and 2001 by veterans of the Armed Forces who between 1941 and 1956 were promised free lifetime health care in return for 20 years of military service; to the Committee on Veterans' Affairs.

199. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 35 memorializing the Congress of the United States to enact legislation giving federal income taxpayers who forego compensated employment in order to remain at home and personally provide care to their children and other dependents a tax benefit comparable to that currently given to wage earners who pay others to provide such care; to the Committee on Ways and Means.

200. Also, a memorial of the General Assembly of the State of New Jersey, relative

to Assembly Resolution No. 34 memorializing the Congress of the United States to revise the definition of "resources" as it applies to the "Medicare Catastrophic Coverage Act of 1988," so that a community spouse's IRA or pension plan is not included in the calculation of a couple's resources for the purposes of determining Medicaid eligibility for nursing home care; jointly to the Committees on Ways and Means and Energy and Commerce.

201. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 105 memorializing the Congress of the United States to pass, and the President to sign into law, legislation that would stabilize and provide funding equity to the MedicareChoice program; jointly to the Committees on Ways and Means and Energy and Commerce.

202. Also, a memorial of General Assembly of the State of New Jersey, relative to Assembly Resolution No. 207 memorializing the President and the Congress of the United States to adopt a more effective approach to handling domestic security and terrorism preparedness issues through better national coordination, resource support, and political leadership, and to take into consideration certain recommendations based upon the report issued by the Independent Task Force; jointly to the Committees on the Judiciary, Energy and Commerce, Agriculture, Transportation and Infrastructure, and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. PLATTS and Mr. BURNS.
H.R. 82: Mr. CAPUANO.
H.R. 141: Mr. ISAKSON.
H.R. 142: Mr. DREIER.
H.R. 167: Mr. ROTHMAN.
H.R. 195: Mr. WOLF.
H.R. 260: Mr. SHERMAN.
H.R. 284: Ms. BALDWIN, Mr. MOORE, Ms. SCHAKOWSKY, Mr. SESSIONS, and Mr. NORWOOD.
H.R. 303: Mr. HOSTETTLER.
H.R. 339: Mr. LUCAS of Kentucky.
H.R. 348: Mr. GOODE.
H.R. 369: Mr. REGULA.
H.R. 370: Mr. ANDREWS.
H.R. 391: Mr. WOLF.
H.R. 466: Mr. STRICKLAND.
H.R. 490: Mrs. LOWEY and Mr. STARK.
H.R. 501: Mr. LAHOOD.
H.R. 527: Mrs. LOWEY and Mr. SPRATT.
H.R. 528: Ms. LEE, Mr. GERLACH, Mr. KLINE, Mr. DELAHUNT, and Mr. MCKEON.
H.R. 580: Mr. FROST.
H.R. 594: Mr. VITTER and Mr. GARRETT of New Jersey.
H.R. 610: Mr. BROWN of Ohio.
H.R. 648: Mr. MCCOTTER.
H.R. 673: Mr. MORAN of Kansas.
H.R. 685: Mr. GONZALEZ.
H.R. 720: Mr. WELDON of Florida.
H.R. 734: Mr. STARK, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, and Mr. MOORE.
H.R. 736: Mr. STARK.
H.R. 808: Mr. NUSSLE.
H.R. 857: Mrs. NAPOLITANO.
H.R. 869: Mrs. CUNNINGHAM.
H.R. 876: Mr. VISLOSKEY.
H.R. 911: Mr. MARKEY, Mr. LEVIN, Mr. SPRATT, Mr. MENENDEZ, Mr. FROST, Mr. LAHOOD, Mr. DEMINT, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. GOODLATTE, Ms. GRANGER, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. HINOJOSA, Mr. GONZALEZ, Mr. SANDLIN, Mr.

ALLEN, Mr. DAVIS of Florida, Mr. MORAN of Kansas, Mr. SKELTON, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. HUNTER, Mr. SCOTT of Georgia, Mr. NADLER, Mr. BELL, Mr. KIND, Ms. LORETTA SANCHEZ of California, Mr. WU, Mr. RAHALL, Mr. COLLINS, Ms. DELAURO Mr. CRAMER Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BLUNT, Mr. RADANOVICH Mr. WELDON of Pennsylvania, Mr. SAXTON Mr. COX, Mr. BRADY of Texas, Mr. PORTMAN, Mr. ADERHOLT, Mr. FARR, Mr. RODRIGUEZ, Mr. THORNBERRY, Mr. MCINTYRE, Mr. WAMP, Mr. STENHOLM, Mr. MOORE, Mr. HILL, Mr. PALLONE, Mr. BROWN of Ohio, Mr. TOM DAVIS of Virginia, Ms. PELOSI, Mr. VAN HOLLEN, Mr. HOYER, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mr. PASCRELL, Mr. ROSS, Mr. DELAY, Mrs. MALONEY, Mr. FORD, Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mrs. LOWEY, Mr. PENCE, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. SHAYS, Mr. CULBERSON, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. DOYLE, Mr. HOFFEL, Mr. KANJORSKI, Mr. SNYDER, Mr. CASTLE, Mr. GOODE, Mr. NUSSLE, Mr. OSE, Mr. POMBO, Ms. SOLIS, Mr. BOYD, Mr. DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. REYNOLDS, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. DEGETTE, Mr. LEWIS of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 919: Mr. HEFLEY, Mr. LEWIS of Kentucky, Mr. GEPHARDT, and Mr. BRADLEY of New Hampshire.

H.R. 920: Ms. LEE.

H.R. 970: Mr. OBERSTAR, Mr. GRIJALVA, Mr. CAPUANO, and Mr. BALLANCE.

H.R. 972: Mr. HOLDEN.

H.R. 997: Ms. HART.

H.R. 1006: Mr. RANGEL.

H.R. 1049: Mr. MCCOTTER.

H.R. 1052: Mr. SNYDER.

H.R. 1070: Mr. CALVERT.

H.R. 1101: Mrs. MILLER of Michigan.

H.R. 1105: Mr. DOYLE.

H.R. 1111: Mr. STEARNS.

H.R. 1157: Ms. MCCARTHY of Missouri and Mrs. LOWEY.

H.R. 1160: Mr. LAMPSON and Mr. CANNON.

H.R. 1172: Mr. WEXLER and Mr. EVANS.

H.R. 1214: Mr. DOYLE, Mr. CANTOR, Ms. ESHOO, Mr. VAN HOLLEN, Mr. TANNER, and Ms. HOOLEY of Oregon.

H.R. 1228: Mr. RANGEL.

H.R. 1229: Mrs. MILLER of Michigan and Mr. WALDEN of Oregon.

H.R. 1258: Mr. NUSSLE.

H.R. 1268: Mr. MCGOVERN, Mr. DELAHUNT, and Ms. DELAURO.

H.R. 1273: Mr. RADANOVICH.

H.R. 1278: Mr. CARSON of Oklahoma.

H.R. 1316: Mr. OTTER, Mr. GRIJALVA, Mr. QUINN, Mr. ENGLISH, and Ms. BALDWIN.

H.R. 1355: Mrs. LOWEY and Mr. CASE.

H.R. 1422: Mr. WAMP.

H.R. 1491: Mr. GRIJALVA.

H.R. 1508: Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. JEFFERSON, Mr. BERRY, and Mr. KIND.

H.R. 1519: Mr. STARK.

H.R. 1543: Mr. DREIER.

H.R. 1605: Mr. BLUMENAUER.

H.R. 1613: Mr. RYAN of Ohio.

H.R. 1628: Mr. BOYD and Mr. FROST.

H.R. 1633: Mr. CUMMINGS.

H.R. 1698: Ms. KILPATRICK.

H.R. 1708: Mr. GERLACH, Mr. BARTON of Texas, Mr. LEVIN, Ms. MCCOLLUM, and Mrs. LOWEY.

H.R. 1726: Mr. JENKINS.

H.R. 1752: Mr. RUPPERSBERGER and Mr. ETHERIDGE.

H.R. 1755: Mr. LUCAS of Kentucky and Mr. VITTER.

H.R. 1758: Mr. PAUL.

H.R. 1769: Mr. CONYERS, Mr. KINGSTON, and Mr. PASCRELL.

H.R. 1796: Ms. KAPTUR.

H.R. 1819: Mr. MATHESON and Mr. MCCOTTER.

H.R. 1874: Mr. SNYDER, Mr. GORDON, and Mrs. CAPPS.

H.R. 1886: Mr. LUCAS of Kentucky, Mr. SHAYS, and Mr. BAIRD.

H.R. 1910: Mr. BAIRD.

H.R. 1916: Ms. BERKLEY, Mr. SCHIFF, Mr. BACA, Mr. ALLEN, Mr. GORDON, and Mr. STUPAK.

H.R. 1930: Mr. MCGOVERN.

H.R. 1951: Ms. MCCOLLUM and Mr. MATHE-SON.

H.R. 1964: Mr. WELDON of Pennsylvania.

H.R. 1981: Mr. DEUTSCH.

H.R. 1993: Mr. FROST.

H.R. 1994: Mr. LOBIONDO and Mr. FROST.

H.R. 1998: Mr. DEUTSCH.

H.R. 2015: Ms. HOOLEY of Oregon.

H.R. 2045: Mr. CULBERSON, Mr. BOOZMAN, and Mr. CRENSHAW.

H.R. 2047: Mr. DUNCAN.

H.R. 2079: Mr. WICKER and Mr. SHIMKUS.

H.R. 2107: Mr. ABERCROMBIE, Mr. FILNER, and Ms. LOFGREN.

H.R. 2124: Mr. GUTIERREZ and Mr. SNYDER.

H.R. 2134: Ms. BALDWIN.

H.R. 2173: Mr. ALEXANDER and Ms. BALDWIN.

H.R. 2181: Mr. GILLMOR.

H.R. 2203: Ms. DEGETTE and Mrs. LOWEY.

H.R. 2216: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2237: Mr. WOLF.

H.R. 2238: Mr. MCINNIS.

H.R. 2260: Mr. BACHUS, Mr. BISHOP of Utah, Mr. DINGELL, Mr. FOLEY, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. LEE, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MALONEY, Mr. MURPHY, Mr. PRICE of North Carolina, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BARTLETT of Maryland, Mr. GRIJALVA, and Ms. HARMAN.

H.R. 2269: Mr. DEMINT and Mr. WICKER.

H.R. 2318: Mr. EMANUEL.

H.R. 2327: Mr. BOUCHER and Mr. GORDON.

H.R. 2340: Ms. HART.

H.R. 2344: Mr. WEXLER.

H.R. 2359: Mr. TANCREDO.

H.R. 2361: Mr. RUPPERSBERGER.

H.R. 2426: Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. SABO.

H.R. 2429: Mr. LEWIS of Georgia, Mr. MORAN of Virginia, and Ms. MCCOLLUM.

H.R. 2462: Mr. JEFFERSON and Mr. MATSUI.

H.R. 2482: Mr. BROWN of Ohio and Mr. WAXMAN.

H.R. 2505: Mr. MICHAUD.

H.R. 2527: Mr. BOSWELL.

H.R. 2538: Ms. HARRIS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. FEENEY, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2540: Mr. RANGEL and Mrs. CHRISTENSEN.

H.R. 2568: Mrs. CAPPS.

H.R. 2570: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2582: Mr. FRANK of Massachusetts, Mr. STUPAK, Mrs. LOWEY, Mr. CRAMER, and Mr. MCINTYRE.

H.R. 2602: Mr. REHBERG.

H.R. 2625: Mr. MICHAUD, Mr. STRICKLAND, Mr. NEAL of Massachusetts, Mrs. DAVIS of California, and Mr. SMITH of Washington.

H.R. 2626: Mr. CASE, Mr. SANDLIN, and Mr. GREEN of Texas.

H.R. 2650: Mr. MICHAUD.

H.R. 2665: Mr. CUMMINGS, Mr. GUTIERREZ, Mr. McNULTY, Mr. OLIVER, and Mr. DINGELL.

H.R. 2670: Mr. BEREUTER and Mr. GRIJALVA.

H.R. 2671: Mr. GIBBONS, Mr. HAYWORTH, Mr. FOLEY, Mr. GILLMOR, Mr. PETRI, and Mr. ADERHOLT.

H.R. 2680: Mr. ALEXANDER, Mr. CARSON of Oklahoma, Mr. BERRY, Mr. CRAMER, Mr. WEXLER, Mr. BROWN of Ohio, Mr. MARSHALL, Ms. HARMAN, Mr. ETHERIDGE, Mr. SABO, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. RUPPERSBERGER, Mr. KING of Iowa, Mr. LEVIN, Mr. FILNER, and Ms. MCCOLLUM.

H.R. 2719: Mr. WAMP, Mrs. TAUSCHER, Mr. JONES of North Carolina, Mr. DEUTSCH, and Mr. ABERCROMBIE.

H.R. 2727: Mr. ABERCROMBIE.

H.R. 2743: Mr. TERRY and Mr. ISAKSON.

H.R. 2762: Mr. NEUGEBAUER.

H.R. 2763: Mr. NEUGEBAUER.

H.R. 2768: Mr. MOORE, Mr. UDALL of Colorado, Mr. COBLE, Mr. GREEN of Texas, Mr. SKELTON, Mr. SPRATT, Mr. BROWN of South Carolina, and Mr. DOGGETT.

H.R. 2776: Mr. REHBERG.

H.R. 2787: Mr. NEAL of Massachusetts.

H.R. 2823: Mr. UPTON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KINGSTON.

H.R. 2829: Mr. KLECZKA.

H.R. 2849: Mr. PRICE of North Carolina.

H.R. 2851: Ms. HART, Mr. BARRETT of South Carolina, and Mr. LINDER.

H.R. 2872: Mr. PAYNE, Ms. CARSON of Indiana, Mr. MCGOVERN, and Mr. WEXLER.

H.R. 2885: Mr. SAM JOHNSON of Texas, Mr. AKIN, and Mr. FEENEY.

H.R. 2891: Mr. TOWNS, Ms. LEE, Mr. GUTIERREZ, Mr. COSTELLO, and Mr. COOPER.

H.R. 2898: Mr. DAVIS of Tennessee, Mr. HOFFEL, Mr. DEUTSCH, Mr. GREENWOOD, Mrs. LOWEY, Mr. ACKERMAN, and Mr. WELLER.

H.R. 2932: Ms. KAPTUR, Ms. LOFGREN, Ms. MCCOLLUM, Mr. BLUMENAUER, and Mr. WEXLER.

H.R. 2968: Mr. HAYWORTH, Mr. WAMP, and Mr. ISAKSON.

H.R. 2991: Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, and Mr. BACA.

H.R. 2998: Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. LATHAM, Mr. PEARCE, Mr. KINGSTON, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. VITTER, Mr. TAYLOR of North Carolina, Mr. WALDEN of Oregon, Mr. FROST, Mr. THORNBERRY, Mr. EHLERS, Mr. KILDEE, Mr. ROGERS of Kentucky, Mr. EDWARDS, Mr. SAXTON, Mr. HINCHEY, Mr. GIBBONS, Mr. SPRATT, Mr. HOLDEN, Mr. BONNER, Mr. LYNCH, Mr. CARTER, Mr. MCGOVERN, Mr. HYDE, Mr. WYNN, Mr. SHIMKUS, Mr. TERRY, Mr. FEENEY, Mr. HOUGHTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. RAHALL, Mrs. KELLY, Mr. JENKINS, Mr. CANTOR, Mr. KING of New York, Mr. CULBERSON, Mr. HEFLEY, Ms. MCCOLLUM, Mr. FRANK of Massachusetts, Mr. KLECZKA, Ms. CARSON of Indiana, Mr. PETRI, Mr. NUNES, Mr. GILCHREST, and Mr. WELDON of Florida.

H.R. 2999: Mr. MCINTYRE.

H.R. 3011: Mr. BILIRAKIS, Mr. GREEN of Texas, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, Mr. JENKINS, Mr. REYES, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. SKELTON, Mr. LEWIS of California, and Mr. FRANK of Massachusetts.

H.R. 3015: Mrs. NORTHUP, Mr. SESSIONS, Mr. STUPAK, Mrs. MALONEY, Mr. KLECZKA, Mr. DICKS, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. LUCAS of Kentucky, and Mr. GREEN of Texas.

H.R. 3022: Ms. SLAUGHTER.

H.R. 3023: Mr. STARK.

H.R. 3034: Mr. TOM DAVIS of Virginia.

H.J. Res. 56: Mr. COBLE, Mr. CALVERT, and Mr. TURNER of Ohio.

H.J. Res. 62: Mr. ALLEN and Mr. SIMMONS.

H. Con. Res. 78: Mr. ANDREWS.

H. Con. Res. 99: Mr. EVANS and Mr. MEEHAN.

H. Con. Res. 155: Mr. NADLER.

H. Con. Res. 158: Mr. DAVIS of Illinois and Mr. TIERNEY.

H. Con. Res. 213: Mr. LAMPSON and Mr. HOFFEL.

H. Con. Res. 232: Mrs. MUSGRAVE.

H. Con. Res. 249: Mr. FROST.

H. Con. Res. 254: Mr. FROST, Mr. BERMAN, Mr. GREENWOOD, Mr. HINCHEY, Mr. PALLONE, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. DINGELL, Mr. JEFFERSON, Mr. SAXTON, Mr. SOUDER, Mr. DOOLITTLE, Mr. WEINER, Ms. SLAUGHTER, Mr. ENGEL, and Mr. PAYNE.

H. Con. Res. 256: Mr. BALLANCE, Mr. SCOTT of Georgia, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Ms. WATSON, Mr. FORD, Mr. WATT, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Ms. MAJETTE, Mr. CLAY, Mr. WYNN, Mr. BISHOP of Georgia, Ms. NORTON, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. CONYERS.

H. Res. 103: Mr. KENNEDY of Minnesota, Mr. GARRETT of New Jersey, and Mr. ROTHMAN.

H. Res. 167: Mr. GREEN of Texas.

H. Res. 254: Ms. WOOLSEY, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas.

H. Res. 300: Mr. EHLERS, Mr. STENHOLM, Mr. PENCE, Mr. MCKEON, Mr. WAMP, Mr. HYDE, Mr. SHIMKUS, Mr. BURTON of Indiana, and Mr. SOUDER.

H. Res. 315: Mr. PICKERING.

H. Res. 325: Mrs. LOWEY.

H. Res. 348: Mr. MEEHAN, Mr. BAKER, Mr. GILCHREST, and Ms. BALDWIN.

H. Res. 352: Mr. SHIMKUS, Mr. McNULTY, Ms. NORTON, Mr. COOPER, Mr. LANTOS, Mr. GREEN of Texas, Mr. FROST, and Mr. FRANK of Massachusetts.

H. Res. 355: Mr. WEXLER, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. LANTOS, Mr. ENGEL, Ms. LEE, and Mr. BURTON of Indiana.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2622

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 1: Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

"(2) shall not apply after December 31, 2012."

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 2: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

"(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act."

H.R. 2622

OFFERED BY: MR. INSLEE

AMENDMENT NO. 3: Page 80, after line 5, add the following new title (and conform the table of contents accordingly):

TITLE VIII—TECHNICAL CORRECTIONS SEC. 801. AMENDMENTS RELATING TO SECTIONS 625 AND 626 OF THE FAIR CREDIT REPORTING ACT.

(a) SECTION 625.—Section 625(h) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)) is amended by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services".

(b) SECTION 626.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) in subsection (b), by striking "a supervisory official designated by"; and

(2) by adding at the end the following new subsections:

"(f) REPORTS TO THE CONGRESS.—On a semi-annual basis, the head of a Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall fully inform the Permanent Select Committee on Intelligence and the Committee on Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a).

"(g) PAYMENT OF FEES.—A Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section."

H.R. 2622

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

"(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any other credit card or debt."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting "subject to subsection (d)," before "to review".

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 5: Page 10, line 12, insert ", other than subsections (g), (h), (i), (j), (k), and (l)" before the closing quotation marks after "identity theft prevention".

Page 10, after line 13, insert the following new paragraph:

(4) Section 624(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting "specific" before "subject matter".

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 6: Page 44, strike lines 9 and 10 and insert "Section 612 of the".

Page 44, beginning on line 14, strike "described in section 603(p)" and insert "that compiles and maintains files on consumers on a nationwide or regional basis".

Page 44, strike line 18 and all that follows through line 22.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 7: Page 44, beginning on line 14, strike "described in section 603(p)" and insert "that compiles and maintains files on consumers on a nationwide or regional basis".

H.R. 2622

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Page 7, line 15, insert "(a) IN GENERAL.—" before "Section".

Page 7, after line 24, insert the following new subsection:

(b) SPECIFIC EXCEPTIONS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

"(e) SPECIFIC EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

"(1) the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004); or

"(2) the Consumer Credit Reporting Agencies Act of California (sections 1785.1 through 1785.36 of the California Civil Code)."

H.R. 2622

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 9: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 510. REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (e) (as added by section 403 of this Act) the following new subsection:

"(f) REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.—

"(1) IN GENERAL.—Any consumer may submit a request to a consumer reporting agency that any person who uses a consumer report of such consumer to establish a new credit plan in the name of the consumer utilize reasonable policies and procedures described in paragraph (4).

"(2) PLACEMENT IN FILE.—Any consumer reporting agency that receives a request from a consumer shall include the request in the file of the consumer.

"(3) NOTICE TO USERS.—No person who obtains any information from a file of any consumer from a consumer reporting agency that includes a request from the consumer under this subsection may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (4).

"(4) REASONABLE POLICIES AND PROCEDURES.—The notice included by the consumer reporting agency pursuant to the request of the consumer shall state that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to."

H.R. 2622

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 10: Page 44, after line 3, insert the following new section (and conform the table of contents accordingly):

SEC. 406. PROHIBITION ON INCLUDING LATE PAYMENTS IN CREDIT REPORTS THAT WERE LATE DUE SOLELY TO DECLARED DISASTERS.

(a) IN GENERAL.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by inserting after paragraph (6) (as added by section 702(b) of this Act) the following new paragraph:

"(7) Any reference to a late payment that was due solely to a disruption caused by a declared disaster for which the agency receives notice under subsection (m)."

(b) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (l) (as added by section 203 of this Act) the following new subsection:

“(m) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—

“(1) NOTICE FROM CONSUMER.—Any consumer who—

“(A) resides in an area which has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

“(B) fails to make a payment on an obligation in a timely manner during the effective period of the declaration of a disaster; and

“(C) pays the obligation within 30 days after the end of such effective period, may notify the creditor, with respect to such obligation, that the late payment was due to the existence of the declared disaster.

“(2) NOTICE TO CONSUMER REPORTING AGENCY.—Any creditor which receives a notice from a consumer under paragraph (1) shall notify any consumer reporting agency to which the creditor furnished information on the late payment described in such paragraph that the late payment was due to a disruption caused by a declared disaster.”.

H.R. 2622

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 34, strike line 9 and all that follows through line 18, and insert the following new subparagraph:

“(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p), if—

“(i) the information was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B);

“(ii) the consumer has disputed the accuracy of such information with the consumer reporting agency that prepared the consumer report pursuant to section 611;

“(iii) the consumer has received the results of the investigation from the consumer reporting agency and has requested that the consumer reporting agency reinvestigate the results in accordance with section 611; and

“(iv) the results of the consumer reporting agency's reinvestigation requested pursuant to (iii), as reported to the consumer, do not resolve the dispute.

Page 35, beginning on line 25, strike “thereafter report correct information to” and insert “notify”.

H.R. 2622

OFFERED BY: MR. NEY

AMENDMENT NO. 12: Page 56, after line 16, insert the following new subsection:

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking “or” at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

“(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

“(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

“(B) with respect to section 12-14.3-104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

“(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

“(A) with respect to section 12-14.3-105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(B) with respect to section 10-1-393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(C) with respect to section 1316.2-B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(D) with respect to sections 14-1209(a)(1) and 14-1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

“(F) with respect to section 56:11-37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

“(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).”.

H.R. 2622

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 13: Page 67, after line 25, insert the following new section (and redesignate the subsequent section and any cross reference to such section and conform the table of contents accordingly):

SEC. 509. COMMISSION TO EDUCATE OUR NATION'S TEACHERS AND STUDENTS ON FINANCIAL LITERACY SKILLS.

(a) FINDINGS.—The Congress finds as follows:

(1) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, choices which will impact individuals' credit ratings.

(2) An individual's credit rating will affect his or her ability to buy a home, finance education, establish a small business and prepare for retirement.

(3) Building and maintaining sound credit requires knowledge of personal finance and economics.

(4) Basic economics education is a key to understanding personal finance.

(5) A number of Federal departments and agencies have implemented programs to improve personal finance and economics education, including the Departments of Education, Labor, Treasury, and Housing and Urban Development, as well as the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Trade Commission and the Securities Exchange Commission.

(6) Coordinating existing Federal efforts, maximizing the impact of existing private sector efforts, and identifying and promoting best practices are necessary to improve economic and personal finance education and to improve individuals' credit and economic well-being.

(b) AUTHORITY TO ESTABLISH COMMISSION.—Not later than January 31, 2005, the President shall convene a Commission to Educate our Nation's Teachers and Students on Financial Literacy Skills (hereafter in this section referred to as the “Commission”) to

examine and identify government policies that promote economic and financial literacy.

(c) SCOPE OF THE COMMISSION.—The scope of the Commission shall consist of issues relating to economic and financial education.

(d) PURPOSES.—The purposes of the Commission shall be—

(1) to make recommendations on integrating economic and personal finance education into primary, secondary, and postsecondary curricula;

(2) to identify and make recommendations regarding best practices in economic and personal finance education;

(3) to make recommendations on coordinating existing Federal and private sector economic and financial literacy education programs; and

(4) to make recommendations on ways to improve education at all levels regarding credit management, credit reports, credit scores and dispute resolution.

(e) COMMISSION MEMBERS.—To carry out the purposes of the Commission, the Commission shall include—

(1) 3 members appointed by the President, one of whom shall be designated by the President as the Chairperson of the Commission;

(2) 2 members appointed by the Speaker of the House of Representatives;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the majority leader of the Senate; and

(5) 2 members appointed by the minority leader of the Senate.

(f) APPOINTMENT REQUIREMENTS.—The Commission members shall—

(1) be appointed not later than January 31, 2005; and

(2) include at least one representative of each of the following groups:

(A) Primary and secondary educators.

(B) Postsecondary educators.

(C) The financial services industry.

(D) State and local governments.

(E) organizations involved in promoting economics education.

(g) COMMISSION ADMINISTRATION.—

(1) ADMINISTRATION.—In administering this section, the Chairperson of the Commission shall—

(A) request the cooperation and assistance of such Federal departments and agencies as may be appropriate in the carrying out of this section;

(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to provide testimony and otherwise participate in the Commission's hearings;

(C) make available for public comment a proposed agenda for the Commission that reflects to the greatest extent possible the purposes for the Commission set out in this section;

(D) prepare and make available background materials for the use of participants in the Commission that the Chairperson considers necessary; and

(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay-rates.

(2) DUTIES OF THE CHAIRPERSON.—The Chairperson of the Commission shall, in carrying out the responsibilities and functions of the Chairperson under this section, ensure that—

(A) the Commission shall hold hearings in accordance with this section;

(B) the Commission shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in economic education; and

(C) the agenda prepared under paragraph (1)(C) for the Commission is published in the Federal Register.

(3) **NONAPPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **HEARINGS.**—

(1) **IN GENERAL.**—The Commission shall hold public hearings to receive testimony related to the recommendations to be included in the Commission's report identified in subsection (i)(3).

(2) **FIELD HEARINGS.**—The Commission shall conduct at least 4 hearings to be held in different States.

(i) **REPORT.**—

(1) **IN GENERAL.**—The Commission shall prepare a report describing the activities and recommendations of the Commission and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than July 1, 2005.

(2) **APPROVAL OF REPORT.**—Approval of the Commission's report shall require a majority of the Commission.

(3) **REPORT CONTENTS.**—In addition to summarizing the activities of the Commission, the report shall include proposals for improving economics and finance education, including recommendations for—

(A) integrating high quality, standards-based economic and financial education in the curricula of primary, secondary and postsecondary education;

(B) identifying best practices in the teaching of economics and personal finance including teacher training and development of curricular materials;

(C) coordinating and enhancing existing federal and private sector efforts to improve economic education and financial literacy;

(D) assessing and identifying best practices for the training of teachers and educators in economics and finance; and

(E) improving public and private efforts to educate consumers regarding credit management, credit reports, credit scores, dispute resolution and related issues.

(j) **DEFINITION.**—For purposes of this section, the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal years beginning on or after October 1, 2004, such sums as are necessary to carry out this section.

(l) **FINANCIAL OBLIGATION FOR FISCAL YEAR 2005.**—The financial obligation for the Commission for fiscal year 2005 shall not exceed \$500,000.

(m) **CONTRACTS.**—The Chairperson of the Commission may enter into contracts to carry out the Chairperson's responsibilities under this section. The Chairperson shall enter into a contract on a sole-source basis to ensure the timely completion of the Commission's activities.

H.R. 2622

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 14: Page 28, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 208. PROHIBITED ACTIONS WITH RESPECT TO SOCIAL SECURITY NUMBERS.

(a) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

(1) **DISPLAY.**—The term "display" means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

(2) **PERSON.**—The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

(3) **PURCHASE.**—The term "purchase" means providing directly or indirectly, anything of value in exchange for a social security number.

(4) **SALE.**—The term "sale" means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(5) **STATE.**—The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

(b) **PROHIBITED ACTIONS WITH RESPECT TO AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.**—Subject to subsections (e) and (f), no person may engage in any of the following:

(1) Display in any manner an individual's social security number.

(2) Print or otherwise display an individual's social security number on any card, or other means of access, required for the individual to access products or services provided by the person to the individual.

(3) Require an individual to transmit the individual's social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use the individual's social security number to access an Internet Web site, unless a password, unique personal identification number, or other authentication device is also required to access the Internet Web site.

(5) Print or otherwise display an individual's social security number on any communications by the person to the individual, unless Federal or State law, or any Federal agency or any contractor with the Federal Government (under color of Federal law), requires the individual's social security number to be included on such documents.

(c) **LIMITATION ON SALE OR PURCHASE.**—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

(d) **PREREQUISITES FOR CONSENT.**—In order for consent to exist under subsection (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

(e) **EXCEPTION FOR CERTAIN COMMUNICATIONS.**—Subsection (b)(5) shall not apply with respect to an individual's social security number included on documents sent by mail—

(1) in connection with an application or enrollment process initiated by the individual; or

(2) to establish, amend, or terminate an account held by the individual with the person; or

(3) to verify the accuracy of the individual's social security number.

(f) **EXCEPTION FOR PRIOR ON-GOING USE.**—Subsection (b) shall not apply to the use by

a person of an individual's social security number in a manner that is inconsistent with such subsection if—

(1) the use by such person of the individual's social security number in such manner began before the date of the enactment of this Act;

(2) the use by such person of the social security number in such manner is continuous; and

(3) the person notifies the individual, in writing, before the end of the 30-day period beginning on the date of the enactment of this Act and annually thereafter, that the individual has the right to require such person to stop using the individual's social security number in a manner inconsistent with subsection (b).

(g) **INDIVIDUAL'S REQUEST TO STOP INCONSISTENT USE.**—

(1) **IN GENERAL.**—If a person receives a written request from an individual to stop using the individual's social security number in a manner that is inconsistent with subsection (b), the person shall fully comply with such request before the end of the 30-day period beginning on the date of the receipt of the request.

(2) **DENIAL OF PRODUCTS OR SERVICES PROHIBITED.**—A person may not deny any product or service to an individual, or otherwise discriminate against such individual in the provision of any such product or service, solely on the basis that the individual submitted a request described in paragraph (1).

(h) **COORDINATION WITH OTHER LAW.**—

(1) **IN GENERAL.**—No provision of this section shall be construed as prohibiting or limiting the display or use of an individual's social security number by any person—

(A) to the extent required or authorized under any Federal or State law, or by any Federal agency or any contractor with the Federal Government (under color of Federal law);

(B) for internal verification or administrative purposes of the person;

(C) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

(D) for a national security purpose;

(E) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

(F) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including—

(i) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

(ii) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers; or

(iii) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

(G) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

(H) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this paragraph shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

(2) **BUSINESS SAFEGUARDS.**—

(A) **IN GENERAL.**—In furtherance of the provisions of paragraph (1)(F), the Federal Trade Commission shall establish appropriate standards for businesses relating to administrative, technical, and physical safeguards—

(i) to insure the security and confidentiality of social security numbers;

(ii) to protect against any anticipated threats or hazards to the security or integrity of social security numbers; and

(iii) to protect against unauthorized access to or use of social security numbers which could result in substantial harm or inconvenience to any customer.

(B) SAFE HARBOR.—Any person who is subject to the safeguard standards under section 501(b) of the Gramm-Leach-Bliley Act and is in compliance with such standards shall be deemed to be in compliance with the standards under subparagraph (A).

(3) STUDY AND REPORT.—

(A) IN GENERAL.—The Commissioner of the Social Security Administration shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law and State and local uses of social security numbers.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of the Social Security shall submit a report to Congress on the study conducted under this paragraph.

(C) CONTENTS OF REPORT.—The report shall include—

(i) a detailed description of the uses of an individual's social security number that are allowed as of the date of enactment of this Act;

(ii) an evaluation of whether such uses should be continued or discontinued by appropriate legislative action; and

(iii) such other recommendations for legislative or administrative action as the Commissioner determines to be appropriate.

(i) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not less than \$5,000 for each such violation; and

(B) to a civil penalty of not less than \$50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any knowing violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a-7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a-7a) to the Secretary shall be deemed to be a reference to the Attorney General.

(j) EFFECTIVE DATE.—This section shall apply after the end of the 180-day period beginning on the date of the enactment of this Act.

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 15: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

“(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.”.

H.R. 2622

OFFERED BY: MRS. KELLY

AMENDMENT NO. 16: Page 44, after line 22, insert the following new subsection:

(c) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (g) (as added by section 702(e) of this Act) the following new subsection:

“(h) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—

“(1) IN GENERAL.—If the Federal Trade Commission and the Board of Governors of the Federal Reserve System determine that consumer reporting agencies have been temporarily overwhelmed with requests for disclosures of consumer reports under section 612(e) beyond their capacity to deliver such reports in a timely fashion, the Commission and the Board, by order, may implement such measures as the Commission and the Board determine to be necessary for a limited time to regain equilibrium between the ability of the agencies to disclose consumer reports and consumers' demands for such reports.

“(2) PROTECTION FOR EMERGENCY AND TIME-SENSITIVE REQUESTS.—In issuing any order under paragraph (1), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall ensure that, during the effective period of any such order, creditors, other users, and consumers continue to have access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft.”.

H.R. 2622

OFFERED BY: MR. OXLEY

AMENDMENT NO. 17: Page 7, after line 9, insert the following new subsection:

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of

Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

Page 10, strike line 12 and insert “inserting ‘(and to specific identity theft prevention subjects covered)’ after”.

Page 20, line 7, insert “a summary of rights, or other disclosure, that is the same as or substantially similar to” after “with”.

Page 20, after line 14, insert the following new subsection:

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

Page 27, line 4, strike “, or duplicative of.”.

Page 28, line 4, strike “credit” and insert “consumer”.

Page 28, strike line 7 and insert “the biometric industry, and the”.

Page 28, line 8, strike the comma after “public”.

Page 32, line 11, insert “, using an address or a notification mechanism specified by the consumer reporting agency for such notices” before the period.

Page 35, beginning on line 25, strike “thereafter report correct information to” and insert “notify”.

Page 36, line 3, strike the period, the closing quotation marks, and the second period and insert “of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.”.

Page 36, after line 3, insert the following new subparagraph:

“(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

“(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

“(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

“(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

“(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

“(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

“(I) the reasons for the determination under clause (i); and

“(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.”.

Page 56, line 16, insert before the closing quotation marks the following new sentence:

“This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.”.

Page 60, line 16, insert “or the financial institution reasonably believed that the institution is prohibited, by law, from contacting the consumer” before the period.

Page 73, strike line 6 and all that follows through line 14, and insert the following new subparagraph:

“(C) the information to be furnished pertains solely to transactions, accounts, or

balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of

such services, products, or devices, as provided in section 605(a)(6)).

Page 75, line 8, strike “purpose” and insert “purposes”.

Page 75, line 21, insert “(and which shall include permitting actions necessary for administrative verification purposes)” after “needs”.



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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Harry C. Black, offered the following prayer:

Let us pray.

O God, author and creator of the world's joys, bearer of the Earth's sorrows, we have loved You, but not enough; we have sought You, but not diligently enough; we have heard, but not understood; we have hoped for things heavenly, but clung to the things of Earth.

Thank You for loving us in spite of our failures. Help us not to waste our hopes and talents on unworthy pursuits. Instead, give us freedom, not to do as we like, but to like to do as we ought.

Guide our Senators today and give them Your peace.

And, especially, Lord, we pray today for those who mourn.

In Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked by the majority leader to make the following statement.

For the information of all Senators, this morning the Senate will resume consideration of H.R. 2660, the Labor,

HHS, and Education appropriations bill. There are a number of pending amendments that will need to be disposed of and it is therefore my hope that we can reach an agreement to vote in relation to those amendments. Many of these amendments have been fully debated and will require a rollcall vote.

I understand that on the other side of the aisle there is a reluctance to vote on any of the amendments until an agreement is reached with respect to the Harkin amendment. I encourage Members to allow us to move forward on the bill until that issue is resolved. There are a number of amendments that were pending prior to the Harkin amendment. Again, these amendments have been debated previously and are at this stage ready—should be ready for the Senate to work its will. Therefore, I hope we can begin to schedule those votes to allow further progress on the bill.

Rollcall votes are anticipated throughout the day and it is still my expectation to complete the Labor-HHS bill as early as possible this week.

Also, I would supplement what the leader has said, that there is no reason we can't finish this bill if we can get a schedule of votes. It conceivably could be done today but certainly no later than tomorrow if we move ahead and break this logjam as to when the votes are going to occur.

The leader concludes his own statement: As a reminder, today the Senate will recess from 12:30 to 2:15 for the weekly party lunches to meet.

In addition to the comments I have read on behalf of the leader, as the manager of the bill I would supplement what the leader has said to urge us to move forward. There is a certain reluctance, understandable reluctance, on the part of the Members on this side of the aisle, to be, in effect, dictated to as to when we are going to vote.

I understand the problems faced by the Democrats, where they have a

number of people running for President who are out of town. From my personal point of view, I would like to accommodate them and I would like to move on. But it draws considerable consternation and ire to be told when we are going to vote.

I had a colloquy yesterday with the Senator from Iowa, a colleague and a very good friend with whom I have worked very closely for more than a decade. There is scarcely a disagreement between Senator HARKIN and myself. As we change control of the gavel, we use the expression, "change seamlessly." But I pointed out, we have a majority, and under the rules of the Senate, the majority is supposed to determine the schedule. It is not a very big prerogative. We can't impose our will beyond a filibuster. And the Senators on the other side of the aisle are competent, able, resourceful as they articulate their views and carry their policies forward. That is something we understand.

But when it comes to a matter of the schedule it is my hope that the majority's prerogative to establish the schedule will be respected.

When I commented about our being in the majority, my esteemed colleague, Senator HARKIN said: Well, it's only 51 to 48 and 1.

There have been closer elections. There have been elections by 1 vote, not by 2½ votes.

So it is my hope that we can at least be accorded the prerogative of running the schedule. If people on this side of the aisle dig in their heels, like people on the other side of the aisle, and people on the other side of the aisle dig in their heels, we are not going to be able to conduct the people's business.

I see the Senator from Nevada waiting to speak. I will conclude. The Senator from Nevada has been in the Chamber more in the past several years than anybody else, managing the business of the Senate. He has done that when he has been in the majority and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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he has done that in the minority. I know he does his utmost to try to work these matters out.

So it is my hope that reason will prevail and we can find a way to get out of the entrenched positions, move ahead, do the public's business, and finish this bill.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I would like to respond to my friend. He is absolutely right. He and Senator HARKIN have set an example after which many of us have modeled our responsibilities on the Appropriations Committee.

I would say this. I think we should. I agree with the Senator from Pennsylvania. Why don't we go ahead and finish this bill? I think we have lost the time—we won't be able to do it today, but maybe we could do it tomorrow.

I had suggested and made a unanimous consent request that there be a vote at 3:15. When do you want the vote today? It is the pending amendment. When do you want the vote? I would say that. Let's vote on that. We have a number of amendments on which we can go ahead and vote. We have a couple more people who want to speak on the overtime issue, but they could do that quickly.

I say to my friend from Pennsylvania, check with the majority leader. See when he wants the vote. He can set the vote on overtime. We won't set it. Let him set it. Set the time for that. We can go ahead and dispose of other amendments. I think if he came back and said fine, vote on it at 2:15, or whenever—give us a suggestion—then we will try to finish this bill.

Mr. SPECTER. Mr. President, I would direct this question to the Senator from Nevada. He says let the majority leader determine when the vote should be set. I would agree with that. But suppose the majority leader says we ought to take the Harkin amendment vote after we take the votes on the other amendments?

Mr. REID. Fine.

Mr. SPECTER. And vote, but not necessarily today.

Mr. REID. Mr. President, I would say to my—

Mr. SPECTER. Mr. President, let me add, I personally don't object to voting today, but there are a lot of people on this side of the aisle who do as a matter of protocol and principle.

That is why I am going to leave the Chamber in a few minutes and, along with the President pro tempore, who is the chairman of the full committee, discuss the matter with the majority leader.

But as I understand the position of the Senator from Nevada and his side of the aisle, it is that they insist on the vote today.

Am I incorrect about that?

Mr. REID. Mr. President, we have never in the past 6 months, during the

time four Members are running in the Presidential campaign, said to the majority that we can't vote today because people are running for President. We have never done that. We have lost by one vote. And we have gone ahead and refiled amendments. We have taken our lumps.

On this occasion, we gave adequate notice that we think it is a good idea to vote on Tuesday. But we never tried to play games as to why we wanted that. We have done this on one occasion. This is an extremely important vote for the country.

What I am saying is that I guess we are in a no-win situation. If the majority leader says we are not going to vote on it today, then I don't see any alternative. But we are not going to be able to finish this bill. This is an important bill for the people of the State of Nevada.

It is an important bill for the people of this country. But the overtime issue is also an important issue.

I say to my friend from Pennsylvania that we are going to vote on this issue whether it is on this bill or if we are unable to finish this bill when it comes back or on a continuing resolution—however it gets here. We have a right to vote on this amendment.

I don't understand why we cannot have a vote sometime today. That is my point. Let the leader schedule it, if he wants to, right now. Do it now. If he wants to do it at 6 o'clock tonight—whenever he wants to do it—we can set it up and get rid of all of these other amendments and be in pretty good shape to finish this bill tomorrow sometime.

Mr. SPECTER. Mr. President, we will try to find the position of the leader on this issue as he represents the majority. We will report back as promptly as we can.

Mr. REID. Mr. President, if I may say one other thing, this kind of reminds me of Roger Miller. He was a songwriter. He wrote songs which I identified with more than my friend from Pennsylvania who probably likes opera and other things. But one of the lines in one of the songs which Roger Miller wrote was pride is the chief reason for the decline in the number of husbands and wives. I think that is really true. That is what we have here. We are being prideful saying I got you and you got me. Why don't we, as adults, try to work this out so we can have a vote on overtime. We want it at 3:15. Have the leader set it any time he wants today but complete the other amendments that are important. It is a tough vote. There is no question about that. Most of them are 60-vote waivers.

I would like to finish this bill. I know the Presiding Officer has a real interest in this. Once we knock this out, we have eight more appropriations bills to go. We might be able to do another one this week. That would leave seven. That puts us in pretty good shape to finish all of this.

We want a certain time this afternoon, but we can do it some other

time. We will swallow whatever pride we have, and hopefully you folks will, and we can finish this bill.

Mr. SPECTER. Mr. President, the Senator from Nevada has articulated some wisdom this morning in his comments about pride. I think of the statement "pride goeth before a fall." I think we can retain our pride and also get this worked out.

RECESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:15 a.m. to give us an opportunity to try to ascertain the position of the majority leader and the Republican caucus.

There being no objection, the Senate, at 9:44 a.m., recessed until 10:10 a.m. and reassembled when called to order by the President pro tempore (Mr. STEVENS).

RECESS

The PRESIDENT pro tempore. In my capacity as a Senator from Alaska, I ask unanimous consent that the Senate stand in recess until 10:45 a.m.

There being no objection, the Senate, at 10:10 a.m., recessed until 10:44 a.m. and reassembled when called to order by the President pro tempore.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial

aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, last week the Labor Department announced we had lost almost 100,000 more jobs in the month of August. Almost 9 million American people are unemployed. Almost 2 million of these people have been out of work for more than 6 months. As bad as these numbers are, the real story is even worse. These figures don't include 1.7 million people who want work but have given up looking for it and are no longer counted in the unemployed listed by the Labor Department. They don't qualify.

The problem is especially frightening among minority groups. Unemployment among African Americans is double the rate for whites. It is much harder for Hispanic and Asian Americans to find jobs.

Some may have heard the economy in Nevada is booming. We are so fortunate. It isn't as bad as it is in some places. But "booming" is not the proper term for it. People in Nevada, as good as it is, are having a lot of problems. We have more than 90,000 people out of work. These numbers are grim, and they don't even begin to tell the story.

Every time we lose a job, it threatens another family's American dream—the dream of owning a home, building a strong community, giving children a good education.

Some have said the economy is recovering. But is it recovering when we are still losing jobs to the tune of 100,000 a month? We know job loss is not a normal function of the business cycle. Job loss reflects more serious underlying problems with our economy such as the alarming loss of manufacturing jobs. In the last 3 years, we lost 16 percent of our manufacturing jobs. This is serious, and we need to take it seriously. We need a plan to create more jobs.

Unfortunately, the administration's only plan seems to be more of the same. Since January of 2001, we have lost more than 3 million jobs. This is the first administration since Herbert Hoover to lose jobs, and our President says more of the same.

We have to do something different. Instead of a continual program of tax breaks for those who have the most, we have to create jobs for those who want to work. We can create jobs by building new schools, roads, bridges, by rebuilding our decaying sewer systems, and by replacing broken water pipes. Any State in the Union qualifies for new schools, new roads, new bridges, and, of course, rebuilding our decaying sewer systems and replacing broken water pipes.

All over America there are plans no longer on the drawing boards. They are ready to be executed. They just need the money. We can create jobs. For every billion dollars we spend on a public works project, we create 47,000 high-paying jobs. We can also create jobs by promoting new technology to produce energy, and we can do this by having a view that we should do more with renewable, nonpolluting sources. This will not only create jobs, it will benefit our environment and help us achieve energy independence.

We can save existing jobs by helping our financially burdened States so they do not have to raise taxes on working families and small businesses. We can reverse this trend. We can save the jobs we have and help create new ones. We have to be innovative.

I hope the President will consider joining with this Senator and others who want to push what we call the American Marshall Plan; that is, have the Federal Government spend money to create jobs. These jobs are not Government jobs; they are private sector jobs.

I repeat, for every \$1 billion we spend, there are 47,000 high-paying jobs, and the spinoff from those jobs is unbelievably large. That is what we need to do. America needs it. We need it to create jobs, but we also need it to make America a better place to live with better roads, bridges, dams, cleaner water, and able to adequately dispose of our sewer problems.

Mr. President, I hope we can do some of these activities in the immediate future, and I hope we are joined by the administration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1580

Mr. HARKIN. Mr. President, last week I offered an amendment to the pending appropriations bill that would prevent the administration from imple-

menting a new regulation that could result in millions of American workers losing their overtime pay protection.

My amendment is very straightforward. It would allow the administration to increase overtime pay protection for working Americans but not take it away from those who currently have that protection.

I was quite surprised, as a matter of fact, to come to work yesterday and find that on Friday, after we had debated this appropriations bill—we adopted a couple of amendments on the appropriations bill last Friday, and, we all know, at the end of the day, the leader always has unanimous consent requests agreed to that have been worked out on both sides. I was quite surprised to see that last Friday, the Senate passed unanimously, by consent, a sense-of-the-Senate resolution supporting a balance between work and personal life being in the best interest of national worker productivity and families.

S. Res. 210 was adopted last Friday. It is sponsored by Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, and I assume others. It expresses the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity and that the President should issue a proclamation designating October as "National Work and Family Month."

I will read a few of the clauses that we all voted for last Friday:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers and retention. . . .

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;

Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;

Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates. . . .

Whereas nearly all working adults are concerned about spending more time with their immediate family. . . .

Resolved, That—

(1) it is the sense of the Senate that—

(A) reducing the conflict between work and family life should be a national priority; and

(B) the month of October should be designated as "National Work and Family Month";

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

We adopted this resolution last Friday, unanimously. Maybe some did not know about it. I did not know about it either, but I support it. It sounds very

good: It is the sense of the Senate that reducing the conflict between work and family life should be a national priority.

We have this resolution, and now we have the proposal by the administration, rolled out this spring under cover of darkness—there was not one public hearing anywhere in the Nation—which changes rules and regulations that will affect overtime protection for over 8 million American workers and their families.

It is interesting that the administration did not ask us to change the law. No, they just want to do it by rules and regulations.

We cannot have it both ways. We cannot have a sense-of-the-Senate resolution saying—we all say—we have to reduce the conflict between work and family life, and it ought to be a national priority; that people need to spend more time with their families, and then let the administration implement these changes in rules and regulations which mean that people will have to work longer hours with less pay. That is exactly what it means: longer hours with less pay.

I found it so interesting that we have been debating my amendment—it came up last week. I guess we talked about it a couple of times during the week. We talked about it at length on Thursday. We spoke about it on Friday, and yet on the very same day we adopt a sense-of-the-Senate resolution unanimously saying we want to reduce stress on families. We want to recognize that workers need more time with their families. Well, OK, here is a chance to not just have a sense-of-the-Senate resolution but to take concrete action to make sure that happens by telling the administration that we are not going to permit these changes in rules and regulations that would take away overtime protection for up to 8 million people.

Again, a quick summary of the Bush administration's proposal is simply this: Eliminate the 40-hour workweek by allowing employers to deny millions of workers overtime pay, workers who are currently guaranteed overtime pay protections under the Fair Labor Standards Act passed in 1938. This proposal is antiworker. It is antifamily. It is the antithesis, the total opposite, of what we passed on Friday as a sense-of-the-Senate resolution. It is an attack on America's middle and lower income workers. It will not create one job. In fact, just the opposite; it will kill a lot of jobs.

Why do I say that? Because employers right now know that if workers work more than 40 hours a week, they have to pay time and a half overtime. So in many cases, they might find it better to go ahead and hire someone new, hire another person, rather than paying that kind of overtime pay.

Let's say one changes the rules of the game. No longer is one protected by time and a half. That means their employer can say they need them to work

43 hours this week, 44 hours, 45, but guess what. They do not get any more money. They get the same salary they had before. They just do not get any more money.

Now, what is an employer going to do? Why, here is a new pool of labor that is not going to cost him a cent. So why would they go hire someone new to work when they can take an existing person and say work longer at no extra pay?

Employers will have a financial disincentive to hire new workers if they can force current workers to work these longer hours without pay.

Who are we talking about? We are talking about nurses—again, we have a nursing shortage right now and we are trying to get more nurses—police officers, firefighters, retail managers, insurance claim adjusters, journalists, medical technicians, paralegals, surveyors, secretaries, and so on. For most of those men and women, the overtime pay they earn is not spare change. It is not for frivolous spending. Sometimes it is essential to help pay the mortgage, feed the children, pay for college, and save for retirement.

In fact, I have a recent letter from the National Association of Police Organizations which represents thousands of law enforcement officers from across the country. They oppose the administration's proposal because, as they said:

Under such regulations, America's State and local law enforcement officers, already strained by countless overtime hours ensuring community safety from terrorist threats, could lose their basic benefit accorded to them for their efforts.

A few days ago President Bush was asked a question about my amendment. He said that basically I was wrong. He said that the proposal would increase overtime coverage for low-income workers.

Interestingly enough, part of the proposal does raise the income threshold, and I will get into that in a minute. So he says it is going to cover more people. The other part of the proposal, though, in changing the rules, would result in up to 8 million people losing overtime pay protection.

By raising this income threshold, most of the people who are already getting overtime pay are already over that threshold so they are going to be covered anyway. They are covered now. They are going to be covered then. So it is really not going to increase the number of people paid overtime pay because they are already getting it. But do not take my word for it. This is what industry and their consultants had to say about it from Hewitt Associates. On their Web they say their clients include half of the companies on the Fortune 500 list. This is what Hewitt Associates said:

These proposed changes likely will open the door for employers to reclassify a large number of previously nonexempt employees as exempt—

Meaning exempt from overtime pay.

The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

The administration argues the proposal they are putting out is simply to update and clarify current regulations under the Fair Labor Standards Act. Again, the Society for Human Resource Management, which touts itself on its Web site as the world's largest association devoted to human resource management, said the following:

This is going to affect every workplace, every employee and every professional.

I will explain a little bit about how some of these rules work right now. Under the Fair Labor Standards Act of 1938, hourly workers are generally guaranteed overtime pay when they work more than 40 hours a week. Many salaried workers are also eligible for overtime pay under this law. The administration's proposal will make it much easier for employers to deny salaried workers overtime pay protection. The result: Millions of salaried workers earning more than \$22,100 a year would be denied overtime under the proposed changes. This proposal would keep workers from spending time with their families without compensation.

Now, we said last week we want workers to spend more time with their families. One of the ways to do that is if they have guaranteed overtime.

Maybe the employer says, well, I do not need an employee to work overtime because I have to pay time and a half. Well, now if I do not have to pay them time and a half, they can work 44, 48 hours a week and I do not have to pay anything extra.

I have always thought at least—and I think it has sort of been generally accepted as a kind of a social contract in this country—that we wanted people to spend more time with their families, but if an employer needed someone to work overtime, that they would be compensated for that at more than just their regular pay because we were taking away the time they could spend with their family that would be beyond their normal workweek, and therefore we paid time and a half, or on Sundays sometimes double time, for that kind of overtime.

Right now, American workers already work longer hours than any industrialized country and nearly all Third World countries. This is a chart that shows that. U.S. work hours increase, over the years, while those in other industrialized nations decrease. Here is the change in annual average hours worked from 1979 to 2000. We see in the United States it went up 32 hours. In Japan, it has fallen 386 hours; Germany, fallen 489 hours; France, fallen 244 hours; Italy, 88; United Kingdom, 107 hours; Canada, minus 31 hours; Australia, minus 44 hours. This is from the Organization for Economic Cooperation and Development, 2001.

Already, our workers are working more than their counterparts in all of

these countries, from Japan to Australia to the United Kingdom, France, and Germany. They have made a decision in those countries that one can still have high productivity and still give workers time off to be with their families, and they have a better social system and stronger families because of it, and because workers are not working so much they are more productive in the time they do work. In America we just keep on working people more and more, longer hours all the time. So already American workers are working longer hours.

Under this proposal put out by the Bush administration to take away overtime protection, in a few years this number is going to be skyrocketing. As I said before, it is not enough that we export all of our manufacturing jobs out of this country to Third World countries; now we are importing Third World labor standards into this country: No labor protections and no overtime protection, just work however long your employer wants you to work without overtime pay protection.

Major women's organizations, including the National Partnership for Women and Families and the American Association of University Women, oppose the administration's proposal because they fear an increase in mandatory overtime would take time away from families and disrupt the schedules of working parents as well as impose additional childcare and other expenses.

I said last week that the first wave of people who will be hit, if this proposed change goes through, will be women. This charts show what I mean and why it will be women who will be hit first and hardest. I am not saying men won't be hit; they will be. But I am saying the first wave of people hit the hardest by taking away overtime pay protection will be women.

If we look at the labor force participation rate for men and women from 1948 until today, we see participation of women has climbed dramatically. Women's participation in the labor force climbed from slightly over 30 percent to over 60 percent, and participation rates for men consequently have declined from about 88 percent to about 74 or 75 percent. So it is women who have come into the workforce in the last 30 or 40 years.

We see some other statistics here. We find that 61.3 percent of married couples with children were dual earners in 2002.

In 1975, 47.3 percent of women with children were in the labor force. In 2002, it was 71.8 percent.

Women with children under 3—in 1975, only 34 percent of women with children under age 3 were in the workforce. Now it is over 60 percent of women with children under 3 who are in the workforce. And 66 percent of women with children worked 40 hours or more in 2002.

Who are these women? Bookkeepers, paralegals, clerks, nurses, physical

therapists, social workers, et cetera, those who are really doing the nitty-gritty hard work to keep our society together. These are the facts right here. Now we are going to tell these women: Sorry, we know you have children in daycare, we know you have to pay a lot for childcare, but we need you to work longer hours per week.

Maybe in the past, if these women had worked longer hours, they got time and a half for overtime, but now they will not; they will get the same salary rate. Now they will have to continue to pay for more childcare. Yet they will not get 1 cent more for their labors.

This chart also shows what is happening with middle-income families. Remember last week we passed a sense-of-the-Senate resolution saying it is the sense of the Senate that reducing the conflict between work and family life should be a national priority? We recognized:

Whereas nearly all working adults are concerned about spending more time with their immediate family;

Whereas 85 percent of U.S. wage and salaried workers have immediate day-to-day family responsibilities off the job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends. . . .

That is what we said last week on the Senate floor.

Here is what is happening with our middle-income families. Average weeks worked per year by middle-income families with children: In 1969, the number of average weeks worked per year by middle-income families with children was 78.2. Look at it now, 97.9 weeks per year, average, for a middle-income family in America with children. That is why I showed this first chart, where you see the United States is going up in hours worked and all the other countries are going down. And you wonder why American workers and their families are stressed out, why we are having family strife in this country, why families are breaking up, why the divorce rate gets higher, why our kids don't have parents around after school to help nurture them. We wonder why we are having such trouble in our society. Because we are not letting our working parents spend more time with their families.

Columnist Bob Herbert recently wrote in the New York Times:

You would think that an administration that has presided over the loss of millions of jobs might want to strengthen the protections of workers fortunate enough to still be employed. But that's not what the Administration is about.

Since the Senate overwhelmingly supported the Hatch resolution last Friday, which I just quoted from—passed unanimously—I would think it would be a no-brainer to support my amendment saying the administration cannot take away overtime pay protection for millions of Americans. But I don't know what the situation is right now with the leadership. We wanted to vote on it today. We wanted to vote on

it today, but I guess the leadership on that side, on the majority side—I don't know what they are deciding right now, whether or not we can vote on it today or not.

But we are all here.

The Senator from Pennsylvania earlier mentioned something about Democratic Presidential candidates being gone. That is true. They are running for President. The Senator from Pennsylvania sought the Presidency himself once. So did this Senator from Iowa. You know what it is like when you have to be out there on the campaign trail and attend to your duties here. But it just so happens everyone seems to be here today. So why don't we vote today? Why is there an empty Chamber? Why don't we move ahead and vote—now, later, I don't care when—and we can wrap up this bill by tonight.

Again, I don't know why we would want to make it easier to deny American workers overtime pay. Why would we want to make it easier? It seems to me we would want to make it tougher. If we want people to spend more time with their families, reduce that kind of stress, you would think we would want to make it tougher, harder to deny American workers overtime pay. But the proposed regulations of the Bush administration would make it easier. I don't know. Why would we want to do that? How would this help the economy? How does it strengthen families? How does it help people who need to work overtime for extra pay?

I read into the RECORD last Friday a statement by a worker—I forget what State she was from—who had a disabled child, and she was saying she needed the overtime pay for her upkeep and to keep her child home and she relied on her overtime pay.

Here it is. Michael Farrar, from Jacksonville, FL. He and his wife need overtime pay to support their 21-year-old disabled son Andy who lives with them. Michael Farrar said:

When I took this job, it was clear that I was expected to work more than 40 hours per week. And I agreed to it because I knew I'd need the money. We'd be devastated without the overtime now—we have no more corners to cut.

When I took this job it was clear that I was expected to work more than 40 hours a week. And I agreed to it because I knew I would need the money.

Michael Farrar of Jacksonville, FL.

Sheila Perez of Bremerton, WA said:

I began my career as a supply clerk earning \$3.10 an hour in 1976.

I entered an upward mobility program and received training to become an engineer technician with a career ladder that gave me a yearly boost of income. It seemed though that even with a decent raise each year I really relied on overtime income to help make ends meet. There are many more single parents today with the same problem. How does one pay for the car that broke down or the braces for the children's teeth?

When I as a working mother leave my 8-hour day job and go home, my second shift begins. There is dinner to cook, dishes to wash, laundry, and all the other house work

that must be done which adds another 3 to 4 hours to your workday. When one has to put in extra hours at work, it takes away from the time needed to take care of our personal needs. It seems only fair that one should be compensated for that extra effort.

These are not my words. These are the words of Sheila Perez of Bremerton, WA.

It seems only fair that one should be compensated for that extra effort. Overtime is a sacrifice of one's time, energy and physical and mental well-being. Compensation should be commensurate in the form of premium pay as it is a premium of one's personal time, energy and expertise that is being used. It has been a crime that many engineers and technicians were paid less than even their straight time for overtime worked. It has never made sense to me that the hours I work past my normal 8 are of a lesser value when those additional hours are a cost of my personal time.

What do we say to Sheila Perez? What do we say to Michael Farrar? I think what we say to them is that we understand. We passed a sense-of-the-Senate resolution last Friday. That is what we did. We passed a sense-of-the-Senate resolution expressing the sense of the Senate that workers are overstressed and overworked. They are concerned about spending more time with their families. We said it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Yes, Michael Farrar, that is what we said. Yes, Sheila Perez, we said that on your behalf last Friday. But, Michael Farrar; but, Sheila Perez, today, on Tuesday, the week after, we are not going to do one single thing to stop the Bush administration from changing rules and regulations that will take away your overtime pay protection.

It is not what we do, Ms. Perez or Mr. Farrar, that is important around here. It is what we say that is important. We said: We are on your side. We understand your problems. Gosh, we think it should be a national priority. But don't count on our votes to make it happen. Listen to what we say but don't watch what we do around this place.

It is time for us to stand and be counted and to put into form what we said last week the facts are. These are all nice words on a piece of paper. This is what we believe without actions to back up our beliefs.

What I am asking is the Senate now back up those nice words that we said last Friday in this sense-of-the-Senate resolution—back them up with a strong vote saying that we are going to protect overtime pay protection. We are not going to permit overtime pay protection to be taken away. If you do not to strengthen it, or if you want to extend overtime pay protection for more workers, that is fine. But don't take it away from the workers who now have it.

That is what this amendment that I have offered is all about. I am hopeful we can get to a vote on it today. We are here to vote. It is Tuesday. It is already 11:30. We haven't had one vote today. Why not? Why don't we vote on

this? It is the pending amendment. I don't know why we can't vote on it. But evidently, for some reason, the Republican majority doesn't want to vote on my amendment. The majority, for some reason, doesn't want to bring it up for a vote. Why, I don't know. After all, Republicans, as well as Democrats, voted unanimously last Friday saying that it is the sense of the Senate that reducing the conflict between work and family life should be a national priority. Why we don't want to vote on this today, for the life of me, I can't understand.

I end my comments now, but I will be back to talk more about this overtime issue because it is a national issue. It is one that strikes at the very heart of the middle-income and middle-class families in this country. It is an issue that strikes at the very heart of our productivity as a country. It is an issue that strikes at the very heart of what kind of society we want to be and to become. It strikes at the very heart of working women who have children and who want some time, as Ms. Sheila Perez said, to attend to personal needs and to a second shift at home with their kids and family. That is what it strikes.

It is time for us to do our duty, to do our job, to stand up for working families and to stand up for the men and women of this country who are now being overworked and underpaid. If this proposed change in regulations goes through, it will mean more overwork and more underpay. That is the wrong direction for our country. It is time for the Senate to say no to these changes in regulations that would take away overtime pay protection for millions of middle-income Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the Department of Labor overtime proposal is the latest in a series of assaults on working Americans that began in the early days of this administration. Right out of the gate, the President made it his first legislative priority to overturn a Federal ergonomics standard that was more than 10 years in the making. I am also concerned about the approach this administration has taken on the collective bargaining process through its use of the Railway Labor Act and the Taft-Hartley Act. We have also seen the reintroduction in Congress of so-called "family friendly" workplace bills that we all know really seek to rob working families of vital overtime pay.

In March of this year, the Department of Labor proposed a regulation that builds upon these efforts to tear

down worker protections by denying millions of Americans vital overtime pay. This proposed rule would change the three tests that must be met to declare a worker exempt from the wage and hour protections of the Fair Labor Standards Act, thus opening the door to denial of overtime benefits to more than 8 million workers who currently are entitled to this extra pay for working more than 40 hours per week.

Under current law, a worker must meet each of three tests to be declared exempt from overtime protections. First, workers earning less than a certain level each week cannot be exempted. Second, workers must be paid a set salary, not an hourly rate, in order to be exempt. Finally, only workers whose job responsibilities are primarily classified as administrative, professional, or executive can be exempt from overtime protections. The proposed rule would reduce the educational levels required to be classified as a professional or administrative employee, thus allowing employers to substitute as little as 2 years of work experience for education when considering whether an employee should be entitled to overtime protections.

I am deeply concerned that the administration continues to characterize these changes to overtime protections as "small" or "insignificant." During an August 31 interview with National Public Radio, the Secretary of Labor said of the proposed rule, "it's not an overtime regulation. We have many, many overtime regulations. This is not one of the major ones. This is a small part of the Fair Labor Standards Act that pertains to white collar workers. So it's got nothing to do with blue collar workers."

The wage and hour protections of the FLSA are intended to protect all workers from being forced to work excessive hours without additional compensation. The Secretary's attempt to differentiate between white collar and blue collar workers in such a way as to imply that only blue collar workers are protected by the FLSA is troubling.

According to the Economic Policy Institute, EPI:

The revised regulations—would dramatically increase the number of workers whose jobs are classified as professional, administrative, or executive and therefore ineligible for overtime pay. The blurring of the lines between managerial and hourly staff, coupled with a downgrading of the educational standards required to exempt employees from overtime pay, will give employers a powerful incentive to switch millions of workers from hourly to salaried status in order to reap the benefit of a newly created pool of unpaid overtime hours.

In essence, this rule would create a larger force of employees who can be required to work longer hours for less pay. This could also mean fewer opportunities for paid overtime for the workers who would remain eligible for it.

The administration has claimed that they are trying simply to update and clarify the FLSA as it applies to white collar employees. According to the Secretary:

"[W]hat we are trying to do is clarify a regulation that has not been modernized in well over 50 years. And the ambiguity in the regulation is impeding the Department's ability to enforce the law so that we cannot protect workers who need protection. So what we are trying to do is to guarantee vulnerable, low-wage workers the overtime that they deserve, and we also want to provide clarity so that business people know what they're supposed to be doing.

It seems to me that the FLSA is abundantly clear: if a worker who is covered by the act works more than 40 hours per week, he or she is entitled to time-and-a-half pay for each extra hour worked.

According to the EPI, the administration's proposed changes go far beyond simple clarifications. "It is troubling that such dramatic losses in overtime protection are being proposed as a means of bringing clarity to the regulations and reducing litigation. As [our report] has shown—the proposed rule is rife with ambiguity and new terms—that will spawn new litigation."

The Secretary's contention that the FLSA has not been updated in 50 years is just plain false. Congress has amended and revised the FLSA numerous times since its enactment in 1938, most recently just 3 years ago. I regret that this administration continues to characterize Federal labor protections as "outdated" and claims that it seeks to "update" them for the new century, when, in fact, many of its proposals would roll back protections for workers around the country.

Who are the 8 million workers who will be affected by this proposed rule change? According to EPI, 257 "white collar" occupational groups could be impacted. EPI did a detailed analysis of the effect of this rule on 78 of those occupational groups and found that 2.5 million salaried employees and 5.5 million hourly workers would lose their overtime protections under the proposed rule. And that is less than half of the occupational groups that would be covered by this rule change.

By broadening the FLSA wage and hour exemptions, the Department of Labor is seeking to deny overtime benefits to a wide range of workers, including police officers, firefighters, and other first responders, nurses and other health care workers, postmasters, preschool teachers, and social workers, just to name a few.

I am deeply troubled that the administration would propose a rule that would deny overtime benefits to the people who put their lives on the line each and every day to protect our communities and those who work in health care professions, which, of course, as we know, already are facing severe staffing shortages. I am also disappointed that the Office of Management and Budget issued a "Statement of Administration Policy" document on this bill that states that the President's advisers would recommend that he veto this important appropriations bill if the Harkin amendment is adopted. I think it is irresponsible to threat-

en to veto a bill that includes crucial funding for labor, health, and education programs because the administration, apparently, is digging in its heels about a proposal that would deny millions of Americans overtime pay. I regret that this administration is so determined to undermine labor protections for American workers that it would actually threaten to deny funding for schools, health care, job training, and other programs that it regularly claims are a priority.

I urge my colleagues to support working families by supporting the Harkin amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, just prior to the caucus recess I had the opportunity to talk to Senator FRIST about the pending schedule. We both had indicated to each other that it was our expectation we would talk to the caucus about where we are with regard to that schedule. I had indicated it would be my expectation we could complete our work on the Labor, Education appropriations bill prior to September 11; I couldn't guarantee it, but that would be my expectation. What we really wanted was an opportunity to do what Senator HARKIN has been calling for since he offered his amendment on the overtime regulation last Friday. We have said if we can get a vote, which is, of course, the right of any Senator to expect if he offers his amendment, if we have that vote, if they cooperate, then certainly we can reciprocate. It is our desire is to reciprocate and cooperate.

However, I come to the floor this afternoon simply to reiterate how vitally important this issue is. Eight million people in this country today will be affected by the vote to be taken here. With absolutely no consultation, with no public hearings, with little public debate, last spring the adminis-

tration promulgated new rules weakening overtime protection for workers. Again, as I said, there was no consultation with us or the millions of workers affected before the most sweeping change in overtime rules was issued.

The overtime regulations have changed over the years but, as Senator HARKIN has so ably and eloquently pointed out, this is the first time the Department of Labor has used their efforts to update the salary threshold as a back door to take away overtime protection for millions of workers. This is a major constraint being created in the overtime rules.

What is remarkable is that overtime pay now accounts for 25 percent of the income of workers who work overtime—25 percent. These rules affect firefighters. It affects policemen. It affects first responders in various ways—emergency medical technicians, licensed practical nurses, pilots, dental hygienists, health technicians, electrical technicians, air traffic controllers. They are all affected, and that is not a complete list.

Senator HARKIN has noted it was just last Friday we passed S. Res. 210. I will not reread the whole thing, he did such a good job earlier today, but we cite:

... the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job...

Whereas 46 percent of salaried workers are parents with children under the age of 18 who live with them at least half-time...

Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year...

With all those "whereas's"—again, I will not repeat them all—we concluded just last Friday, unanimously, that it is the position of the Senate that we should reduce the conflict between work and family life; that this should be a national priority; that the month of October—next month—should be designated as "National Work and Family Month"; and that the President should issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

If I had been on the Senate floor, I would have offered an amendment. I would have called for the passage, as well, of the Harkin amendment. How could you possibly proclaim "National Work and Family Month" and then tell millions of workers who earn overtime pay that they don't have the right to the protection that the Fair Labor Standards Act has provided them now for over 65 years?

The Republicans' actions makes a mockery of this resolution.

This is a critical vote. Whether it is today, tomorrow, or it is at some point in the future, we will have a vote on this legislation. We will vote on whether to protect American workers against

this incredibly sweeping and irresponsible attack on their right to be compensated for overtime worked in this country today.

Nothing could be more important. As far as we are concerned, nothing in this bill is any more important than this amendment.

I come to the floor again to express the hope that we can have the vote today and that we can move to complete our work on the bill this week and send the right message, along with the resolution we just passed last Friday, that we do respect the right of all workers and that we respect their right to be paid fairly for the work they do.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DASCHLE. I would be happy to yield to the Senator from Illinois.

Mr. DURBIN. I would like to ask this question: Is it not true that since President Bush took office we have lost 3.3 million private-sector jobs in America, more jobs lost than any President since Herbert Hoover and the Great Depression, and that 75 percent of the jobs lost have been manufacturing jobs and good paying jobs across America? Despite the fact that manufacturing jobs account for less than 14 percent of our private-sector economy, 75 percent of the private-sector job loss has been in manufacturing jobs. These jobs have been lost to Third World countries—China and other nations.

Is it not also true that this proposal to cut overtime and basically defy the sacred 40-hour workweek would result in the importation of Third World wage standards into the United States? It is bad enough that we have lost millions of jobs to the Third World and overseas. Is this proposal by the Bush administration adding insult to injury by bringing those Third World work standards to America's families we honored with that resolution last Friday?

Mr. DASCHLE. I am afraid the Senator from Illinois is exactly right. This is a license to import Third World wage standards into the United States—to turn the clock back 65 years. That is exactly what we are doing. We are telling the workers that you are not only not going to get overtime, but this is just the beginning. If they get away with this, where does it end?

The Senator is right about unemployment, whether the number is 2.7 million or 3.3 million. There were 93,000 last month alone.

The situation is going from bad to worse. We are not only losing jobs, but those who have jobs are losing pay. As the Senator from Illinois said so well, we are importing Third World standards on those wages as a result of these proposed regulations.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from California.

Mrs. BOXER. I would like to ask a question of my colleague. Here we are in the week of September 11. We are

going to memorialize the heroes of September 11. The last memory we all have of our President going down to Ground Zero and placing his arms around the shoulders of these brave people—and we just found out they were in serious danger due to what was happening in terms of the quality of the air. We have found that it was not what it was said to be. Everything that I am reading and the mail I am getting indicates that many of our firefighters, emergency workers, and nurses are workers who rely upon overtime pay in order to keep their families together. I have the most emotional letters which I have put in the RECORD on this point.

Does my friend not see the irony in the fact that we are approaching the September 11 date and honoring the heroes of that day and they are the ones who are going to be hurt by this terrible ruling of the administration unless we prevail and have a vote to overturn it?

Mr. DASCHLE. Mr. President, the Senator from California has articulated it better than I did. I would call it bitter irony as we approach September 11 in recognition of so many first responders who gave their lives—and in some cases because of the injuries inflicted gave their livelihoods—as we pass additional commemoration on September 11 resolutions of praise and gratitude to the first responders, how ironic that there would be an effort to promulgate a regulation that takes away their rights to compensation which they so richly and justly deserve. How ironic.

The Senator from California is right. If we are going to pass these commemorations again—and indeed we should—let us make them meaningful. Let us say that we also recognize the contribution you make every day—not just what you contributed on September 11, 2001, but what you are contributing on September 11, 2003, and every single day you come to work. Let us acknowledge that contribution. Let us acknowledge it with a meaningful commitment in pay by overturning this harsh regulation.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DASCHLE. Yes.

Mr. KENNEDY. Do I understand correctly that it is the position of the Republican Party that rather than giving an opportunity for the Senate to express itself, the President has announced that if this particular provision is turned over—effectively if we vitiate what the administration is attempting to do on overtime—they are prepared to veto legislation which is vital for the education of the children, K-12, legislation which provides important help and assistance for those young students who are trying to continue along in terms of higher education, and effectively emasculate or undermine, as well, the funding that is necessary for the National Institutes of Health? This administration evidently is saying it is more important to deny

nurses, firefighters, and policemen overtime than to provide the funding which is essential to educate the children and to provide for essential health needs.

Is that the understanding of our leader as to the position of the majority on this legislation?

Mr. DASCHLE. Mr. President, I was struck by the extraordinary statement made by the administration last week in a statement of administration policy. Last week it said we know there is approximately \$21 billion in here for education and for those going to college. The NIH funding is about \$28 billion. This bill will affect every school district in America. It will affect children under title I and disabled children under IDEA. It will affect afterschool programs, preschool programs, and school lunch. It will affect virtually every aspect of education in America. And the President said he is going to veto this legislation if we overturn the regulation on overtime. What kind of message does that send to America and to those who heard this President say over the course of his time in the White House that education is important to him, and that education is a special priority to him?

Apparently, it is not as much of a priority as it is to ensure that we don't pass an amendment protecting workers from losing their earned overtime.

Mr. KENNEDY. Mr. President, if I could ask one more question of the Senator, the Senator is very familiar with the fact that our Republican friends refuse to permit the Senate to have a vote on increasing the minimum wage. If we don't increase the minimum wage, it will be the lowest in terms of purchasing power in the history of minimum wage. Republicans won't permit that. They oppose the Davis-Bacon provision which permits construction workers to be able to have a decent income. They have effectively also withdrawn—listen to this—the tuberculosis standard in OSHA which is so essential in order to protect people who have contamination in their lungs. We have seen the pensions of working families collapse over the period of the last 3 years.

What in the world has this administration got against working families? This seems to me to be symbolic of their attitude about working families: Let them eat cake. Let them eat cake. As the Senator has pointed out time and time again, it is the working families who have been the backbone of our economy historically when things have gone well and it is the working families who have taken the brunt when we have had mismanagement of the economy.

Does the Senator share my view? Is that a fairly good indicator of the kind of contemptuous attitude the administration has generally with regard to working families?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has put

his finger on the right word, "contemptuous." There was a contemptuous attitude on the part of this administration with regard to the importance of the minimum wage.

With regard to the importance of pension security, how many millions of workers have been adversely affected by the corporate governance scandals over the last couple of years? There is not one peep out of this administration when it comes to pension security.

How many millions of workers, especially those first responders, 8 million workers, will be affected by this ban on overtime pay? How many millions of workers are affected each and every day by the health and safety issues they continue to fight—ergonomics and a whole array of other issues, issues we have forced the Senate to consider over the years as we try to make the workplace a safer and healthier place for all workers?

On each and every one of these issues and many more, this administration has demonstrated a contemptuous attitude. I say it is the most antiworker administration we have seen, at least in my time in public life.

Mr. HARKIN. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. HARKIN. I thank the Senator from South Dakota for his strong support of working families not only on this issue but on every issue that comes up in the Senate. The Senator from South Dakota has always been there for working men and women and their families, as he is today. I thank the Senator from South Dakota, our Democratic leader, for his stalwart, strong support to make sure we have fairness and justice for our working families. I thank the Senator for his strong support for making sure these workers who are asked to work overtime get paid justly for that.

The Senator mentioned a number of the people to be affected, first responders and others. It has been said, and I ask the Senator to respond, that perhaps the first wave of people to be hit by the changes in rules and regulations would be women because so many women have come into the workforce in the last few years. Many of them are salaried and now they would be exempt, they would not get paid for overtime.

One of the first waves to be hit is nurses. Right now, we are facing a nursing shortage in our country. I know in South Dakota and Iowa and the Midwest we have a terrible nursing shortage. Nurses under the age of 30 represent only 10 percent of the nursing workforce. By 2010, 40 percent of the nationwide nursing workforce will be over the age of 50, nearing retirement. Right now, nurses are already forced to work mandatory overtime. Go to a hospital anywhere and you will find nurses being told to work overtime. The only good thing is they are paid time and a half now.

With these proposed changes, if they were to go into effect, I ask the Sen-

ator from South Dakota, since nurses are on salary, if they could be reclassified and they would then have to work mandatory overtime but they would not be paid for it; is that the Senator's understanding?

Mr. DASCHLE. Mr. President, the Senator's appreciation of the impact of this amendment on nurses is absolutely correct. I commend the Senator, again, for his extraordinary efforts and his leadership over the last couple of weeks. He has made me so proud. Every working person in America owes Senator HARKIN a debt of gratitude for his powerful articulation of their cause, as we have addressed this and other issues affecting employees, not just nurses.

In answer to his question, absolutely, nurses are affected because nurses often work extraordinarily long hours earning overtime. In fact, there is probably no category of workers today, at least in the health care field, more overworked than our nurses, in large part because of the shortage the Senator has addressed in his question. We have a chronic shortage of nurses in America, especially in rural areas and especially in South Dakota. Far too many nurses in South Dakota would be adversely affected by this regulation.

We have to recognize what a blow it would be to them. If 25 percent of their income is derived from overtime, we are taking away one-quarter of their purchasing power in one fell swoop by this regulation. That is why this is such a critical fight for us and why it is so important to make this case on this bill.

Mr. HARKIN. If the Senator will yield further for one more question, I thank him for his kind words on my behalf. I respond by saying I am fortunate to have good leadership, the leadership of the Senator from South Dakota and the Senator from Nevada, in carrying this fight forward. I thank both for their great leadership.

As I pursue this issue about women being affected, face it, most nurses are women. That is the way it is. They will be greatly affected.

Another figure we ought to look at—and I ask the Senator for his thoughts on this—in 1975, women who had children under the age of 3 made up only 34 percent of our workforce; today that is 60.2 percent. Over 60 percent of women with children under the age of 3 are now in the workforce.

I ask the Senator, is it true that these women—maybe not all but most of them—have to have daycare, some childcare, for their children? So now, these women who are paying a lot for childcare, if they do not have to be paid overtime under the proposed changes the Bush administration wants to make, would be forced to work overtime. Does that not mean they would have to pay even more for childcare than what they are paying now, yet they would not get one nickel more in their income to help pay for it? Is this not also what would happen to women under the proposed changes in the overtime proposal?

Mr. DASCHLE. I say to the Senator from Iowa, that is exactly the case. You do not need to be an accountant to realize the dramatic financial consequences this will have on so many working women but especially those who are faced with extraordinary childcare costs today. I am disappointed on that front.

I understand we will take up the welfare reform reauthorization tomorrow. I am told the childcare funding increase was cut from \$5.5 billion to \$1 billion in the markup before the Finance Committee. I am astounded that anyone could, with a straight face, say we want you off of welfare to work but we will cut your access to childcare under this legislation. So not only is the problem for working women reflected in this regulation but in the very legislation we could address as early as tomorrow in the Finance Committee.

This legislation cries out for fairness for working women, for those working two and three jobs just to make ends meet. There is no way we can pass the resolution we passed last Friday calling for a recognition of the American worker during the month of October and fail to recognize the importance of repealing this regulation before October even begins.

Mr. HARKIN. If the Senator will yield for one last question, last week I was talking to one of my colleagues on the Senate floor about my amendment, about this amendment, and about the impact on overtime pay. My colleague said: One of the strange things about this is that I have heard no big movement in my State. There is no uprising in my State about changing the overtime laws. I have not heard from business. I have not heard from workers. I got to thinking: You know, neither have I. I have not had any businesses in my State coming to me saying: Senator, we have to change these overtime laws. They are a terrible burden on us. We have to get rid of them. We have to change them. I have not heard them say that. Where does this come from?

I ask my fellow Senators, I ask the Senator from South Dakota, has anyone here been really lobbied hard by anyone in their States to change these overtime laws? Where is it coming from?

Mr. DASCHLE. I respond to the distinguished Senator from Iowa, Mr. President, that this resolution could have been written by a good employer because the good employers that you and I talk to in Iowa and South Dakota understand and agree with what this resolution recognizes.

Mr. HARKIN. The one we adopted last Friday.

Mr. DASCHLE. Yes, the one we adopted last Friday:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention.

Every good employer in South Dakota understands that. That is as clear

and as unambiguous a principle of good management as you will ever find. So is the next one:

Whereas there is a clear link between work-family policies and lower absenteeism.

So the Chamber of Commerce could write that. If we want to make sure we have low absenteeism, if we want to make sure we have high job productivity, job satisfaction, commitment to employers, and retention, what do you do? You tell those workers in more than just a resolution that their contribution matters, and that if we are going to ask them to work longer than a 40-hour workweek, we are going to compensate them for that.

We became one of the most productive nations in the world over the course of the last 70 years. Why? Because we had the most productive workers. Why did we have the most productive workers? Because there were enough businesses who understand those basic principles of good business.

That is all we are suggesting. Let's stick to those principles. Our country deserves no less.

Mr. KENNEDY. Mr. President, the Senator has been very generous with his time. I bring two matters to the attention of the Senator and ask whether he agrees; I have listened to the exchange between the Senator from Iowa and the Senator from South Dakota.

This chart I have points out that middle-income mothers are working 55 percent more hours today than 20 years ago. This chart shows 1979 up through 2000. We have seen this dramatic expansion of the number of hours that women are working in the workforce to provide for their families.

At the same time we are seeing this dramatic increase, we are finding out that there is a reduction in terms of overtime. As the Senator pointed out earlier, we are finding out that American workers—this column on the chart indicates the number of hours Americans are working in relation to other industrialized nations. So workers are working harder, they are working longer hours, they are more productive, and all they are asking is to be able to get decent pay.

But the question I ask the Senator is in relation to this particular chart. This is enormously interesting. Workers without overtime protections are more than twice as likely to work longer hours. If you take those workers who do not have overtime protection, they work more than twice as long as those who have the overtime protection.

If you take away this kind of protection, the word ought to go out to workers that they are going to have to work longer and harder for less pay because that is what is happening today. And that is what is happening for 40 hours a week. And for 50 hours a week, you work three times as long if you don't have any overtime protection than if you have it.

It is very clear that the Business Roundtable and others are correct as

they understand that by eliminating the overtime pay it is affecting the bottom line.

Earlier I heard the Senator talking about what is happening in terms of the police and the firefighters. I bring this chart to the attention of the Senator and see whether he agrees. This is from the National Association of Police Organizations. The Bush proposal would deny overtime:

Under such regulations, America's State and Local law enforcement officers, already strained by countless overtime hours ensuring community safety against terrorist threats, could lose this basic benefit accorded to them for their efforts.

This is from the International Union of Police Associations:

The alterations would also provide a strong disincentive for agencies and municipalities to hire additional first responders, as they seek ways to operate under the growing constraints of historic financial burdens.

The implementation of these rules would mark a critical step backwards for our public safety. . . .

I just wanted to reaffirm what the Senator said in his excellent comments about the impact this would have on women, the impact this would have on first responders, and the real threat and danger this poses to the hardest working men and women in industrial society. They are the American workers and they have the most to lose.

I thank the Senator.

Mr. DASCHLE. Mr. President, I thank the Senator for his contribution and for his clarity with regard to the impact this will have on the workers who he has again addressed, and women in particular.

The irony could not be more evident. As we praise the American workers' productivity, we take away their very right to fair and just compensation. We drive them into schedules that require even longer hours, away from their children, away from their families. We adopt resolutions lauding them—the American worker and the working family—for the entire month of October. Yet we can't take 15 or 20 minutes on a Tuesday afternoon in September to say that we mean what we say in October—we are going to make sure you get the overtime you deserve when you work over 40 hours. How bitter of an irony is that?

Then, perhaps the irony of ironies, as we turn our attention once again to the great tragedy of 2001, in just 2 days, we will come to the floor and we will speak with reverence for those who lost their lives. We will thank those who continue to put their lives on the line. We will express, in as heartfelt a way as I know everyone can, on Thursday, how grateful we are to the first responders, to the policemen and the firemen all across this country—in South Dakota, in Massachusetts, and every place else—and then turn right around and take away their overtime.

How, in Heaven's name, can we say to any of them, with any credibility: We care for you. We support you. We are grateful to you. But we just don't want you to pay you the overtime you have earned.

Let's not do that. The Senate, on a bipartisan basis, ought to rise above that kind of hypocrisy and say: We are not only going to support you next month, we are not only going to support you this Thursday, but we are going to support you every day—by simply supporting the law that has been on the books since 1938, the Fair Labor Standards Act. That is what this amendment is about, and that is why it is so important to many of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor, I thank the distinguished Democrat leader for his comments and others for their comments. I was going to ask him a question myself, but I think our leader has already been standing on the floor for about an hour, so I will spare him that. I commend him for his eloquence on this issue and for his passion about it.

This is an issue that is befuddling, to put it mildly, to many of us. I have several amendments pending on the education bill. I would very much like to raise them on Head Start and on special education. We can't get there apparently because we can't get a vote on this simple proposition.

Not only are we not going to be able to vote on overtime this afternoon, but we can't even vote on whether or not we ought to do more on special education. We can't do something more on Head Start, title I, Pell grants. Here we are, coming in the midst of September, the waning days of the Session, with huge issues before us, and it is now the midpart of Tuesday—this started last week some time—and it would take, I suspect—and the Senator from Iowa is here, our leader; he can correct me—maybe another 15 minutes of debate and we could have a rollcall vote on this and move on.

I will take a few minutes to express my views, which are very similar to those expressed by the distinguished minority leader, as well as Senator KENNEDY, Senator DURBIN, Senator HARKIN, Senator BOXER, and others, on this matter. But I think it is a great tragedy.

I thank the leader for taking the time to express to the American public his great concern about this issue and the wonderment he expresses about why we can't even have a vote on this proposal. I thank him and I know he has a busy afternoon.

I want to share with my colleagues my own thoughts on this issue as well. I think it is remarkable. This is yet one additional bad decision after another when it comes to the economy.

We have seen what has happened regarding tax cut policy. I note an article written by Mike Allen and Jonathan Weisman in the Washington Post appearing this past Saturday, page A6, titled "Tax Cut Claims Gain Criticism As Employers Shed More Jobs." I won't read the whole article, but let me quote from it, if I may:

Before the latest tax cut plan passed, White House economists had predicted it would add 1.4 million new jobs through the year 2004, on top of 4.1 million jobs that a growing economy would have generated anyway, a rate of 344,000 jobs created a month. By its own accounting, the Bush administration has fallen 437,000 jobs short of its own projections in August, a shortfall not lost on the President's critics.

We have seen already tremendous job losses in this country. The minority leader mentioned a job loss of 3.2 million jobs; 2.5 million of those job losses have occurred in the manufacturing sector of our economy; 93,000 jobs lost in America in the month of August, up sharply from the 43,000 jobs lost in July. For the seventh consecutive month, companies have slashed pay-rolls.

So the economy, when it comes to joblessness, is cratering. The tax cuts that the administration jammed through the Congress only a few short months ago are already demonstrating what a hardship they pose to the recovery and to putting Americans back to work.

As I mentioned, 93,000 jobs were lost in the month of August; 44,000 of those jobs in the manufacturing sector. Just over 2.5 million manufacturing jobs have been lost in the last 32 months.

African Americans and Hispanics bear the brunt of the economic downturn. The unemployment rate among African Americans is now hovering around 11 percent, almost twice the national average.

The unemployment rate among Hispanics is almost 8 percent. Long-term unemployment is on the rise. In August, almost 2 million people had been unemployed for over 6 months, triple the number at the beginning of the Bush administration.

A surge in discouraged workers masks the true impact of the economic downturn. Currently, 1.7 million people are marginally attached to the labor force. About 503,000 of these workers have stopped looking for work altogether because they believe that no work is available for them. That is an increase of 125,000 over the past year.

A new study suggests that job losses since 2001 are gone for good. A study by the Federal Reserve Bank of New York has concluded that the vast majority of job losses since the beginning of the 2001 recession were the result of permanent changes in the U.S. economy and are not coming back. This means the labor market will not regain strength until new positions are created in new economic sectors. Manufacturing is the area that is suffering the largest brunt of this decision.

An additional 1.3 million people are in poverty nationwide. The number of Americans living below the poverty line has increased by more than 1.3 million in the last year, even though the economy technically edged out of a recession during the same period. The number of families living in poverty went up by more than 300,000 in 2002, and the number of children in poverty

rose by more than 600,000 in the same period.

We are heading in the wrong direction. On top of all that, we now have a decision being made by the administration to eliminate overtime pay. People in more than 250 white-collar occupations will lose their right to overtime. I won't list them all, but they include the critical areas of nursing, firefighting, police forces, emergency medical services, health technicians, clerical workers, surveyors, chefs, TV technicians, and reporters. Overtime pay will be eliminated.

I don't understand—in light of the news we are getting about the unemployment picture in this country and the hardships being faced, the rising level of poverty, the more difficult time families are having to make ends meet—why the administration persists in pursuing a policy of denying overtime pay. There was a very close vote in the House of Representatives. At least they voted. I am told the vote was 210 to 213 against blocking the President's proposed rule, so it was narrowly defeated by the Republican majority in the House of Representatives.

I want to know whether or not this body wants to confirm what the House and the President said they want to do. And should not the American public have the right to know what the answer of this body would be?

In 250 occupations, they want to know whether or not they are going to be able to get overtime pay. Overtime pay makes a huge difference for them economically. It can amount to as much as 25 percent of a worker's annual income. Denying 25 percent of someone's income at a time of already economic uncertainty is wrongheaded. It is dangerous for us to be pursuing that path.

I regret deeply that we will not have a chance to vote this afternoon on the administration's overtime proposal. We are faced with one more bad economic idea after another. We have the largest annual deficits in the Nation's history, one of the largest percentages of the gross domestic product, because they include, obviously, Social Security moneys in their calculations. We have lost more than 3 million jobs in the last 32 months.

Instead of working towards creating new jobs and helping working families and individuals, the administration has proposed a regulation to deny overtime protection to millions of people. These workers would have their jobs reclassified as professional, administrative or executive, even if their job duties do not change, thus losing the benefit of overtime pay. As I mentioned, more than 250 white-collar occupations could be impacted. Employees could be forced to work longer hours without the benefit of overtime pay.

I was speaking with a group of nurses in Connecticut. They were saying to me: We don't have the choice of not working additional hours in hospitals.

If an emergency occurs, or there are problems with patients, you are always asked to stay on a few more hours and help out.

And they do it. The idea that we would be asking these people to continue to provide the valuable services they do to sick individuals in our Nation's hospitals and not provide them compensation for doing so is truly outrageous. The same goes for our firefighters and police officers.

Senator BOXER had it right when she said earlier: You can well imagine in the next 48 hours or so the kinds of images we are going to have, a replay of the tremendous outpouring of gratitude being expressed to the police officers and firefighters in New York and Connecticut, New Jersey, and others who gathered to fight for the lives at the World Trade Center almost 2 years ago. Yet what expression of gratitude do we provide them 2 years later? We tell them: Sorry, but your overtime pay no longer exists. What kind of a message is that to these people?

Asking employees to work longer hours and not providing overtime pay is significant because overtime pay can provide as much as 25 percent of a person's annual income. This is not the type of balance between work and family that the distinguished Democratic leader pointed out when we adopted unanimously a resolution offered last week. I was pleased to cosponsor S. Res. 210, a bipartisan resolution supporting striking a balance between work and personal lives as being in the best interest of worker productivity.

I find it terribly disheartening that at a time when this body is asking the President to designate October as National Work and Family Month, the administration is working to finalize a regulation to strip overtime pay for millions of people.

The 1938 Fair Labor Standards Act has been the backbone of worker protection. Never in its 65-year history have such sweeping overtime changes been proposed.

Hard-working individuals are deeply concerned about these changes and many of us here stand shoulder to shoulder with them in expressing our outrage. It is unfortunate that we are not going to be able to have a vote today in this body on whether or not we can overturn that decision.

I also find it ironic that the President suggested he would veto the underlying appropriations bill on education and health services if this amendment is accepted. In fact, an August poll of nearly 900 adults found that 74 percent—cutting across all regional and political lines—oppose the Bush administration's proposal to eliminate overtime protection. Almost 75 percent of those polled said don't do it.

Further, in 2001, the Department of Labor commissioned its own study that concluded that the current narrow overtime exemptions under the Fair Labor Standards Act are still relevant today.

Why then did the Bush administration unveil these proposals last March? One can only conclude that whatever the reasons, they do not include supporting the ability of working people to earn a decent pay for a day's work.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. DODD. I will be happy to yield.

Mr. GREGG. The Senator made two points. First, on the issue of police officers, fire individuals, and first responders, I believe the administration and the Department have made it very clear that those officers would not be impacted by this decision in any way and, in fact, to quote the President of the Fraternal Order of Police, the largest police union in the country representing 310,000 people, Chuck Canterbury, said:

Thanks to the leadership of Secretary Chao, we have no doubt that the overtime pay will continue to be available to those officers currently receiving it. And if the new rules are approved, even more of our national police officers and firefighters and EMTs will be eligible for overtime. This development was possible because this is an administration that listens to the concerns of the Fraternal Order of Police and because of their commitment to the Nation's first responders.

The Senator from Connecticut represented a couple of times how police officers are going to be denied overtime pay. This is the president of the largest representative group of police officers in the country saying just the opposite. The Department has said just the opposite. The administration has said just the opposite. I am wondering what factual basis the Senator concludes that the head of the police, the National Fraternal Order of Police, is wrong; the Secretary of Labor is wrong; and the administration is wrong on this point?

Mr. DODD. Mr. President, very simply, as my colleague pointed out, I would be delighted if the administration was going to change its policy. I wish they would do it across the board, just back this up all together.

The fact is, if you do a simple recategorization of what these people do as either being professional, administrative, or executive, then you are covered under this rule. I don't know what the various heads of these organizations are saying, but that is what the regulation that has been proposed by the administration says. Within the 250 employment categories, police and firefighters are included, if they are recategorized. If you do not recategorize them, they are going to be fine. But you leave that up to the whim of whether you want to move them to those different levels of pay. That is how they get covered.

Mr. GREGG. Will the Senator yield for a further question?

Mr. DODD. I will be happy to yield.

Mr. GREGG. Mr. President, I tend to side with the head of the National Fraternal Order of Police in his assessment of this situation and the commitment made by Secretary Chao that the police officers, fire individuals, and

EMTs will not be impacted. It has been made very clear the regulation has no impact on them, and I think it is just not correct to make that statement, although I can understand the Senator can read the regulations and has concluded that, but nobody else has.

Mr. DODD. Mr. President, let me respond to my friend. The National Association of Police Officers and the International Union of Police Associations oppose the regulations. We have correspondence from them. There is obviously some disagreement.

Mr. GREGG. Opposition is not the issue. The issue is whether police officers, fire, and EMT will be affected. I believe the administration made it clear they won't be affected, and I believe the assessment, as reflected in this quote from Mr. Canterbury, is accurate.

My second question is on the issue of nurses because the Senator also said all nurses would be affected. I am sure, as the Senator knows, nurses are already exempt from the FLSA, and to the extent nurses are affected by overtime, it is because of a contractual agreement in their union contracts. As a practical matter, therefore, the vast majority of nurses who are subject to union contracts will have no impact on their overtime, and there is no adjustment here in any way to the nurses of this country, as again has been made clear by the administration and again reflects the fact that the present law is in place and that nurse overtime is tied to contractual agreements, not to FLSA regulations.

To throw the nurses in—and I can go down, actually, the whole list. I could go down to cooks, reporters, clerical workers, teachers, physical therapists, lab technicians, social workers—all these individuals who have been put on the Senator's list actually are not on the list. They actually are not on the list.

Mr. DODD. Mr. President, let me regain my time and respond. I appreciate my colleague raising these questions. I ask unanimous consent that letters from the International Union of Police Associations and the National Association of Police Organizations, expressing their opposition to the regulation, be printed in the RECORD.

INTERNATIONAL UNION OF
POLICE ASSOCIATIONS, AFL-CIO
Alexandria, VA July 25, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: In the very near future, either an amendment, or a stand-alone bill, will be brought forward in the Senate which will seek to restrict the Department of Labor (DOL) from implementing any regulatory rules changes in the Fair Labor Standards Act that would remove workers' overtime rights. It would not interfere with the Secretary's ability to expand overtime protections for low income workers. On behalf of the International Union of Police Associations (IUPA), representing more than 100,000 active duty, rank and file law enforcement officers from across the country, I urge you to support this effort.

On March 31, 2003, the DOL's proposed rule changes were first published under the guise

of expanding overtime rights to lower paid employees. These rule changes, if implemented, would dramatically alter the classification of workers who could be exempted from the provisions of the FLSA and the 40-hour work week. These changes would reduce the compensation for our nation's police officers and EMS personnel, just as we are routinely calling on them to do more and more in the interest of national security. The alterations would also provide a strong disincentive for agencies and municipalities to hire additional first responders, as they seek ways to operate under the growing constraints of historic financial burdens. The implementation of these rules would mark a critical step backwards for our public safety officers, just when we need to be moving ahead.

IUPA has been closely following the events surrounding these changes. We consider this legislation to be the most important single issue we face. Its critical impact on rank-and-file law enforcement officers throughout the country makes it a true litmus test, when it is time for us to decide who truly supports the men and women who form the thin blue line. We intend to carefully note and announce to our membership those who are willing to stand with our nation's police and firefighters with their votes. Whatever form this struggle takes, I hope we can count on your support. If you or your staff desires any additional information from IUPA, I hope you will feel free to call upon us.

Very Respectfully,

DENNIS SLOCUMB,
International Executive Vice President.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Washington, DC, July 14, 2003.

DEAR SENATOR: The full Senate will soon consider the Labor HHS Appropriations Bill, S. 1356. On behalf of the National Association of Police Organizations (NAPO), representing 230,000 rank-and-file police officers from across the United States, I would like to request your support for an amendment to S. 1356, which will be offered by Senator Tom Harkin (D-IA) and will safeguard the ability of millions of Americans, and America's law enforcement officers, to continue to earn overtime pay for their professional efforts.

On March 31, 2003, the Department of Labor issued a proposal which called for significant alterations concerning the ability of law enforcement officers to receive hard earned overtime pay. Under the Fair Labor Standards Act of 1938, most workers, including law enforcement officers, are entitled to overtime pay for excessive time worked. The Department's proposal dramatically lowers the bar for employers to classify employees as "executive, administrative or professional," thus exempting them from paid overtime status.

If allowed to go into effect, these proposed regulations will have a tremendous impact on workers who depend on overtime pay, not as an added frill, but as a necessity to ensure the promotion and well being of their families. Under such regulations, America's State and Local law enforcement officers, already strained by countless overtime hours ensuring community safety against terrorist threats, could lose this basic benefit accorded to them for their efforts. These proposed regulations have seen no hearing nor achieved any legislative approval.

The Harkin Amendment will protect these benefits and only blocks the expanding of exemptions for those who are currently eligible for overtime, while not blocking efforts to expand overtime eligibility for more workers. I hope you will support the amendment and ensure these hard earned benefits. If you

have any questions, please feel free to contact me, or NAO's Legislative Assistant, Lucian H. Deaton, at (202) 842-4420.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mr. DODD. Mr. President, I will address both points my colleague has raised. If my colleagues on the other side are so concerned about first responders, why not just oppose the regulation altogether because this is the major group about which we are talking. For example, let me point out what I am suggesting.

Police sergeants and lower-level police supervisors are likely to lose their overtime through the executive exemption. Let me explain why.

The fact that a sergeant performs nonmanual work such as walking the beat during 90 percent of his work hours does not matter if he also has a primary duty of supervising two officers or performing nonexempt administrative work.

Highly compensated police officers will not even have to have a primary duty of performing exempt work. If they perform any "office or nonmanual work" and perform any one exempt duty of an executive, administrative, or professional duty—no matter how little of their time is spent doing it—they lose the right to overtime.

How much imagination does it take to move people into those categories to be exempt from overtime compensation?

Police departments have been prevented from exempting police officers who teach in police academies because the instructors did not exercise sufficient independent judgment and discretion in how they taught their courses. The proposed rule eliminates the requirement for independent judgment and discretion.

Under the current law, an exempt executive is an employee "who customarily and regularly exercises discretionary powers; and who does not devote more than 20 percent . . . of his hours of work in the workweek to activities which are not directly and closely related to the performance of [exempt] work. . . ."

Under the proposal by the President, those current law requirements are eliminated.

Let me address the nurse issue. Nurses, skilled health technicians, and technologists could lose their overtime protection under the proposed regulations because of the changes to the educational requirement.

Registered nurses who do not hold a bachelor's degree are currently eligible for overtime protections, unless they hold administrative or managerial positions.

Under the Bush proposal, these RNs would lose their overtime protection if they have a few years of work experience.

Nonmanagerial licensed practical nurses—LPNs—have a right to overtime protection under current law.

Under the administration's proposal, LPNs with a few years of work experience would also lose their right to overtime compensation.

Let me read current law and then read the regulation proposed by President Bush.

The current law:

Employees are exempt if they do "work requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes."

Under the President's proposal:

Employees qualify for exemption as a learned professional if they have a primary duty of performing office or nonmanual work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of intellectual instruction, but which may also be acquired by an equivalent combination of intellectual instruction and work experience.

That is very broad, very general language. Obviously, one can drive a Mack truck through it. That is why the nurses of this country, the RNs and LPNs, are vehemently opposed to this proposed regulation, because they know exactly what is going to happen, just as police officers do. That is why so many of us feel so strongly about this and why we would like to vote on it.

If a majority wants to uphold the President and vote for this stuff, then so be it; the Administration can go forward and it will become the law of the land. But I would like to know where 100 Senators stand. America would, too. As I mentioned, nearly seventy-five percent of the people polled in a recent survey said they are opposed to the administration's proposed rule. Let's find out where this body is. I think the proposed rule to eliminate overtime pay is wrong and I support the Harkin amendment. I hope that we will have a vote soon and I urge my colleagues to support the amendment.

I yield the floor.

THE PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I always enjoy the eloquence of the Senator from Connecticut. I am a great admirer of him as a legislator and as a colleague in this body, but I must disagree with his analysis of what this proposed regulation does.

Let's begin with the fact that this is a proposed regulation. That means it is not final. It means the Department is still in the process of adjusting it, of building it, of designing it. They have received 80,000 comments.

The approach of the other side of the aisle is to say we do not care what the 80,000 comments were; we do not care what the process is for regulatory review. We are going to step in, and we are going to unilaterally decide that a law that has not been adjusted in over 30 years is a good law, shall be law, and

shall never be changed. It makes very little sense.

When this regulation was initiated, America was an entirely different country. It had a different employment structure, different individual types of responsibilities within the employment structure. We had jobbers. We had people who were working on the line as the primary responsibility of our manufacturing structure. Today we are a much more mobile society. We are a much more dynamic and flexible workplace. We are a workplace which reflects massive change in the way we compete and are successful as an economy.

Yet a law passed 30 years ago does not keep up with those changes. It has not adjusted to the change in the workplace that has occurred as a result of the information age coming to fruition. It does not reflect the fact that so many people who work in the workplace today earn a heck of a lot more than what they were paid under this law when it was originally passed.

On the face of it, the administration has done a job of trying to address low-income individuals. They have said under the present law that if someone earns \$8,000 or less, they can get overtime by law. Well, that is ridiculous. That is a ridiculously low number.

What this administration has said is if a person earns \$21,000 or less, they will have the right by law to get overtime. It does not matter how their job is classified; they have the right to overtime. That is a very reasonable approach. Basically, it empowers an additional 1.3 million people in this country who will automatically be qualified for overtime who are not qualified for it today because of this absurdly low threshold which was placed in law over 30 years ago. That is the type of reason we need to revisit this type of regulation.

It is also important to recognize that there is a huge debate over who is and who is not covered in this law. A think tank—and we have a lot of them in this city and they are all very aggressive—which is essentially funded by the national Washington labor movement came up with this number of 8 million. So I have kept asking my staff: Well, how did they get to 8 million?

The Department, which used outside counsel, outside consultants, and a bevy of outside experts in this law, and economists, came to the conclusion that this will give 1.3 million people overtime and it may affect somewhere between 600,000 and 700,000 who might lose their overtime under this law. They decided that that trade-off was worth it, first because on the plus side more people would be getting overtime than not, but secondly because the law has become so convoluted, so complex, and has such a large gray area—as one moves into the higher income brackets, people up around \$65,000—that we basically created a lawsuit mentality in the area of the workplace relative to overtime pay questions.

In fact, this is the fastest growing area of lawsuits for trial lawyers. This is sort of the new oil field they have struck. You know how sometimes we strike oil fields in Kansas or in Saudi Arabia or in the North Slope. Well, this is the new oil field that the trial lawyers have struck, which is the inconsistency, the confusion, of the overtime law. It has become the new gusher for one element of the bar.

The Labor Department said: Let's try to straighten these regulations, get some order to them, make sense of them. Did they do a perfect job? No, they did not. That is why 80,000 comments came in. I do not subscribe to this regulation as it is presently structured. I think it can be improved and I think the 80,000 comments are probably going to significantly impact the way the Department of Labor addresses this regulation, but I do not think we should short-circuit the process and suddenly say no, it does not work.

If it is such a bad regulation when it finally comes out, we have the ability in this Congress, as we are now proceeding to do under the proposal of the Senator from North Dakota in the area of FCC ownership, to bring to the floor an amendment on a privileged resolution within a very short period of time that only requires 36 signatures. We have to bring it to the floor, we have to debate it for 10 hours, we have to vote on it, and then we can repeal this. We ought to at least give the process the ability to move forward to see if we can straighten out some of the fundamental flaws of this law which have over the years evolved to a point where we basically have created a new gusher for trial lawyers but very little constructive, efficient, market-oriented events for the productive side of our community, which is the workers.

To get back to the question of how many people are impacted, as I said, the Department of Labor came up with their numbers which were independently evaluated, independently reached, and which were certified essentially by people who understand and who are expert in this area. Where did this 8 million number come from, that we have heard bandied about as if it had been sacrosanct, delivered to us from the mountain on high, by some tablet that said 8 million workers are going to be impacted?

This number came, as I mentioned, from some think tank in Washington, which think tank is funded by an interest group which has a very significant role in this debate, which is the major labor union leadership in Washington. It was put together not by a group of economists, not by a group of experts in this law. It was put together by two individuals whose expertise in this law is new, to be kind. I think one has a social worker's degree and the other has some sort of other degree, but they are not recognized national leaders in this area.

They did not support their findings with anything that was substantive.

They just sort of picked a number, 8 million. They picked that number, it appears, without, one, understanding the regulation as it was proposed, two, maybe stretching it as it has been proposed, or, three, just simply fabricating the number in the sense that the number has no relationship to anything the regulation actually says.

Let's begin with the biggest fabrication in their proposal of 8 million, which is that they have included part-time employees. Now, how they can include part-time employees, which is probably about 6 to 7 million of the people they added to the 8 million—I do not know the number because they did not attach a number to it, but part-time employees is a big number in our society—is beyond me when we are dealing with a law that requires someone to work 40 hours a week before they can get the overtime. By definition, a part-time employee is not kicked into overtime except in that rare case where they decide to become a full-time employee, and then they should not be counted as a part-time employee under this proposal.

So right off the bat, that 8 million is extraordinarily suspect as to the vast majority of the numbers in that 8 million.

Then we go down to the other folks they added to their list, and we begin with the firefighters. Independent of what my learned friend on the other side of the aisle says, the fact is it has been made very clear by this administration, by the Secretary, and by the people who are involved in the drafting of this regulation that firefighters—firemen and first responders, such as EMTs—will not be impacted by this language. That is why, I presume, the national chairman of the organization, the Fraternal Order of Police, has essentially signed off and said that is the case.

I submit, since we are submitting materials, a release from the FOP, which is entitled "F.O.P. Confident of Satisfactory Resolution on DOL Overtime Regulations," and ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

F.O.P. CONFIDENT OF SATISFACTORY
RESOLUTION ON DOL OVERTIME REGULATIONS

Today, National Fraternal Order of Police President Chuck Canterbury announced his full confidence in the success of the F.O.P.'s efforts to protect the right to overtime pay for more than a million public safety officers across the nation. Following a productive dialogue with U.S. Department of Labor (DOL) officials regarding the proposed changes to the rules governing overtime compensation, Canterbury asserted that the issue would be resolved to the benefit of our nation's public safety officers.

"Thanks to the leadership of Secretary Chao, we have no doubt that overtime pay will continue to be available to those officers currently receiving it and, if the new rules are approved, even more of our nation's police officers, fire fighters and EMTs will be eligible for overtime," Canterbury said. "This development was possible because this

is an Administration that listens to the concerns of the F.O.P., and because of their commitment to our nation's first responders."

On 31 March, the Department of Labor published a Notice of Proposed Rulemaking in the Federal Register to revise and update the exemptions from overtime under the FLSA for executive, administrative, and professional employees. The F.O.P. was the first union to weigh in on behalf of America's law enforcement community regarding the proposed change and recommended the exclusion of all public safety personnel from the Part 541 or "white collar" exemptions from overtime—including those employees who are classified as exempt under the existing regulations. The organization argued that the exclusion of these employees was necessary because of the increased burdens placed on public safety officers following the terrorist attacks of 11 September 2001.

"Since the beginning, it's been clear from our dialogue with Secretary Chao and Department officials that it was never their intention to cut overtime for public safety employees," Canterbury said. "So we decided early on that the interests of our members could best be served by working cooperatively with the Department. While others saw an opportunity to demonize this Administration, we chose cooperation over conflict, partnership over partisanship."

Canterbury also noted that it was this spirit of cooperation that led DOL to agree that public safety officers should not be classified as exempt under the proposed regulations. "To the F.O.P., this was never a partisan political issue," Canterbury said. "Instead, it was a chance to make things better for police officers and their families."

"Thanks to the dialogue between the F.O.P. and the Department, we are confident that when the final regulations are issued, that overtime pay will be available to even more public safety officers in the country than under current regulations," Canterbury said. "What we have accomplished by working together will be arguably the most significant victory for public safety officers in decades."

In a recent speech at the organization's 56th Biennial National Conference in Providence, Rhode Island, Labor Secretary Elaine L. Chao praised the F.O.P.'s work on the issue. "The bottom line is that Chuck Canterbury and the F.O.P. are known for bringing facts and constructive solutions to the table," Chao said. "That's why you are respected, that's why you get results, and that's why police officers trust the F.O.P. to look out for their interests."

On 1 September, Canterbury also traveled with President George W. Bush to a Labor Day event at the Ohio Operating Engineer's Richfield Training Center in Richfield, Ohio, where the President spoke on jobs and the economy. Traveling with key Administrative officials afforded President Canterbury the opportunity to continue the dialogue on this important issue.

Canterbury concluded by clarifying what the new rules, if adopted, will mean to rank and file officers across the country: "Basically, if you get overtime pay now, you're going to keep it. If you're currently exempt from overtime pay, you may be getting it very soon."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 310,000 members.

Mr. GREGG. That is a big chunk, but how many police officers and firefighters and EMT workers they included in that number, I don't know. I would not be surprised if, of the million

or million and a half or maybe 2 million who were not part time who were included, it is probably close to about half that. I don't know because this report did not have the integrity to put the numbers on their people.

They also included nurses. As we just had this little exchange, nurses are already exempt from FLSA. The reason for that is they are deemed to be essentially professional as a result of their training experience. The present law is fairly clear in this area. I believe I have it somewhere here. Basically it makes it very clear that nurses are not covered by FLSA. The reason nurses get overtime is because the vast majority of nurses reach a contractual agreement in their union negotiations which gives them overtime. Those are not going to be changed, obviously. As a practical matter, nurses should not be included. So there you have another, who knows, 200,000-plus people who were added to this 8 million number, which is bogus.

Then you have cooks. There is a difference here on cooks. There are chefs, professional chefs—yes, they would probably lose overtime, or be suspect, or have that as part of the compensation, depending on whether they have a union contract. The 4-year culinary school graduate who is a professional chef who manages a kitchen, that person is probably going to have to negotiate their overtime independent of these rules. But there are not any other cooks who are going to be covered. The fellow working down at the local diner or the persons working in a restaurant are not going to be covered by this law because they are clearly not exempt individuals. The vast majority—who knows, probably 90 or 95 percent—are not going to be exempted and will continue to get overtime.

So you have a number, however, that was included, which I believe is all the cooks. At least that is the implication of the language. Probably another 200,000 people are in that category of work.

Reporters—this is another one listed by my colleagues across the aisle. All reporters are going to lose their overtime. That is a fight reporters have been having for a long time. That is a fairly public fight, whether reporters are professionals or not professionals. I guess every reporter has to get up in the morning and look in the mirror and decide whether they are professional. But those who decide they are not professional who want overtime are going to have to negotiate their union contracts for that, probably, because as a practical matter that reporter issue is being settled in the court system.

How it breaks down is very much an issue. But it certainly is not going to be affected by these regulations. It is already decided in large part by court decisions and will continue to be so. So to throw reporters in here is again a very bogus figure.

Clerical workers clearly are not going to be covered. The vast majority

are not going to be covered, vast majority are not going to be covered by this regulation nor will it have any impact on their overtime.

Teachers are entirely exempt by law already from FLSA. To put teachers on the list is again misleading. It either reflects a lack of knowledge of how the law works or an intent to try to inflate the number. Teachers clearly get overtime, but it is a function of their contract negotiations, not a function of FLSA.

The same goes for physical therapists, lab technicians, and social workers. In all these categories the vast majority of people who fall in the last three categories are not going to be impacted in any way by this proposal—by exemption, but will continue to get coverage for overtime activities or will pick it up through their union contracts, many of them being unionized, especially social workers, for example.

As a practical matter, what we have here is a grossly inflated number which has no economic or statistical support behind it, which has virtually no law support behind it, especially in the biggest categories—part time, police, fire, first responders, nurses, and teachers. And as a result, this number of 8 million which we keep hearing thrown out on the floor is a bogus number. It is a completely bogus number.

The real number is probably closer to what the Department had assessed by outside counsel, by outside review, and which shows a plus. In other words, it shows more people are going to get overtime out of this regulation change than have the potential of losing overtime under this regulation change.

Does that mean it is perfect? Of course not. There are ways to improve it, as I mentioned when I started, with 80,000 people commenting on it. But this issue is clearly not ripe for this Senate to be acting on it. Let's wait and give the Department a chance to review the options, review what it hears from the various people including, I think, some very cogent and thoughtful comment that came in from some of the major labor unions that are concerned about this. Although if you are in a labor union, by definition you are probably not going to be impacted by this law. But as a practical matter—you may be. As a practical matter, there was cogent, thoughtful comment put forward. There were 80,000 comments. Not all of them, I assume, were cogent and thoughtful, but a great deal made some thematic sense. Let's allow the Department to sift through this and update a law or regulation that has been on the books for 30 years and really does need updating. We are a different society. We have a different work structure now. We have a much more flexible and educated workforce, a highly technical workforce, a value-added workforce. We need to have an overtime law which reflects and answers the needs of that workforce, not the needs of a workforce in 1950 or 1960.

I simply say it is premature to be going forward with this proposal at this time. Let's wait until the final regulation is passed. It is extremely inappropriate for us to be going forward on the basis of a number which is being used as the bludgeon for pushing through this amendment, this 8 million figure, which is totally inflated and, in my opinion, clearly bogus and inaccurate, especially if you compare it with the hard figures which were brought forward by the administration on this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, before my friend leaves the floor, and I don't want to keep him waiting while I make my statement, I think he made some interesting points. As he knows, I generally have great respect for him. But some of these things sort of don't pass the smell test. I ask the rhetorical question: Does anybody in here believe this administration is changing work rules in order to be able to pay more people overtime?

Let me say that again. Does anybody believe the Secretary of Labor, and this President of the United States, backed by the Chamber of Commerce and many other decent, honorable business people as their core supporters, is trying to change the law to give more people access to overtime?

Mr. GREGG. If that is a question which the Senator has presented, which I think was rhetorical in its nature?

Mr. BIDEN. I would be happy to have you answer it.

Mr. GREGG. By definition, this administration has shown it intends to give more people overtime. It has said people now earning up to \$21,000 will be guaranteed overtime. Under the present law, if you are earning up to \$8,000 you are guaranteed overtime, but between \$8,000 and \$21,000 you can be doing a number of jobs in the country which deny you overtime, where your employer can say, I am sorry, we are not going to pay you overtime because you happen to be an exempt employee. Under this proposal from this administration, over 1.3 million people will be getting overtime they would not get under the present law because the threshold goes up to \$21,000.

I appreciate the Senator's question.

Mr. BIDEN. I am delighted to hear that. I am glad to see the President has had an epiphany. I find it absolutely fascinating. I come from a corporate State. I come from a State where business is a great citizen and they are very active. I have never had one small businessman, I have never had one large businessman, I have never had one come and say: You know what the problem is here, Biden? You Democrats are denying people overtime. We want to expand that contract made in the thirties between labor and management to make sure our workers who are not getting it get overtime.

As they say in the neighborhood I come from, give me a break. Give me a break.

I am going to go to my formal statement in a moment. My friend from New Hampshire made a couple of very important points that are accurate, but draw exactly the wrong conclusion. He said that, in effect—my words—the social contract we entered into 30, 40, 50, 60 years ago with American workers said if you engage in manual labor, you will be rewarded for your efforts. We the American people, we the American Government value manual labor. We value what you have done to build this country. We are going to make sure that you get treated fairly. One of the things they said that related to being treated fairly was that nobody should have to work more than 40 hours. That was a judgment made. In Germany, or in France—I don't know which one it is—they say you only have to work 35 hours, and there is a debate about whether it should be 40 or 50 hours.

We made a deal as a nation. We said: Look, if you work more than 40 hours—those of you who do manual labor—you ought to be compensated time and a half for doing it—just like you work on Sunday. They say that is a day of rest. Most contractors say if you have to work Sunday, we will pay double time. That was the deal we made.

As my friend points out, there are not many manual labor jobs left in America. We have exported them overseas—or the bulk of them overseas. We made it easier for business to take all those manual labor jobs and send them overseas. This is a different world. We have now become a service economy. We have a lot less people doing manual labor. What was the underlying rationale as to why we were going to pay people overtime? We were going to pay overtime not to those who did manual labor. That is what it happened to turn out to be. We said we are going to give people overtime if in fact they are in the workplace and they don't have control over their destiny. They do not get to determine the work rules. They don't get to decide how much longer they will keep the lathes going. They don't decide whether or not they work on Saturday or Sunday. It is about control.

The underlying rationale was we said workers who by and large were manual laborers and do not have a say in their work conditions, do not have a say in how they function, do not have a say in whether they start at 8 or 10 in the morning or 4 in the morning, do not have a say in when the shifts run, and do not have a say in whether or not they get a window outside their work space, we are going to pay those guys something when we ask them to work more than 40 hours.

But for those folks who have a say, and those folks who have some control—theoretically white-collar workers, people who get a room with a view, people who have some say on whether or not the boss starts the shift or opens

the door at 8 in the morning or 4 in the morning or 10 in the morning, and those folks who are more like management—they have a say and we are not going to compensate them. Their compensation is in effect because they have a say.

As a former Governor of California used to say, there is psyche remuneration for being white collar.

Just like around here, I get to pick my office. I get to decide whether I have a room with a view. I get to decide to have a more commodious work space. The person who works for me who happens to be answering the mail doesn't get that decision. If I put the mail room in a place where there is no window, as long as it meets OSHA's requirements, they work. Guess what. Hang on everybody. For those of you who ain't management, you ain't going to get overtime anymore when the boss says: By the way, show up. I have an election. You get overtime now. You all get overtime. Get ready.

At any rate, the point is this: It is about control.

My friend said the world has changed. It is a different economy than it was in the 1950s and 1960s. That is right. But if it is based upon the premise of control, which is the underlying rationale for the Fair Labor Standards Act, I would argue my friend from New Hampshire is right. The world has changed. But guess what. White-collar workers don't have control now. As we move to a service economy and white-collar workers, we don't have people digging ditches. We don't have people lifting lumber. We don't have people moving heavy equipment. They are still there, but we have white-collar workers who wear blue collars and who are in high-tech industries and industries that are the service economy—who work in restaurants and work at all these other places—who, in fact, still have no control.

Let me ask you a rhetorical question. Am I missing something here? Every single survey I have read during the last decade asking about satisfaction that American workers derive from their jobs—am I wrong or have all those surveys come back and said there is less satisfaction?

We are not allowed to talk to the galleries. So I am not going to.

But I wonder whether people watching this or sitting in the galleries as I ask a rhetorical question will ask themselves this: Am I satisfied in the workplace? Do I feel my job is rewarding? Do I have any element of control over my job?

The funny thing I have found is whether they are a DuPont engineer or a chemist or an analyst at a brokerage house, they are all afraid they are going to show up one day and find that the company has been sold and they don't have a job. They don't have any control. Guess what. They don't have much.

I agree with my friend. The world has changed. But the values haven't

changed. The value we are operating on is that people who do not get much say in how and when and where and under what conditions they work when you ask them to work more than 40 hours should get paid overtime. The fact that there are fewer people wearing sweatshirts and sweating as they perform their jobs is not the issue. How many of those folks in the new service economy have any more control over their jobs than those folks who did manual labor 40 years ago?

That is the first point I want to make.

The second point I want to make to my friend from New Hampshire, who is a very bright guy—I am not being solicitous; he really is.

The second point I make, I agree. He says there is more flexibility in the workforce. I will make a bet. I will make the staffers and my Republican colleagues a bet. I bet if they go out tonight, as they stop in the grocery store or stop to pick up the bottle of milk, or if they are single, stop at the local watering hole to commiserate with their colleagues, ask the following question to whomever they encounter: What does flexibility in the workplace mean to you? Although I have never done this, I make a bet the answer everyone gets is the following: It means my boss can fire me when he wants. It means I have to work part time. It means I am flexible, but they do not have to pay health care. It means I do not have to get benefits I used to get when it was not so flexible.

Flexibility does not translate into control. It does not translate into you being able to determine, in effect, compensation for being asked to stay longer, the environment in which you work or the circumstances in which you work. Flexibility translates to most American workers as flexibility for the boss to tell me I am part time.

My friend did point out part time. I am not going to get into a debate whether it is 8 million or 1.3 million. That is focusing on the trees and not the forests. What is the big picture, folks? The big picture is my Republican colleagues have a very different set of values than I have. They are good people. They are decent people. I am not impugning their motive, but they have a different value set. I think the basic principle is if, in fact, you work in a circumstance where you do not have much control over your environment, and I ask you to work longer than 40 hours, you should have to be paid overtime. That is a basic fundamental value. To me it is simple.

What has this President done? He is a decent, honorable man. What has he done? He has a very different view of American labor and the rights of American labor. Look at his tax structure. All our existence in this last century and the beginning of this century, what was our tax structure designed to do? It was designed to treat the guy and woman who make their living using their hands the same way as the guy who makes his living using his head.

We did not make a distinction in this country based upon whether you pay taxes—until now. What has this administration said now? It depends whether you have—and it is a fancy term—earned income or unearned income. All those listening to me know the difference. Earned income means when you receive a salary, basically. Unearned income is when you have a return on an investment.

What have we done in trying not to tax dividends? We have said, if you sit in your living room, in your home library, in your corner office on the 67th floor, wherever you sit, and you manage your investments, you do your work with your brain alone trying to figure out how to best place the money you have to get a return, if you make money, if you make that week \$1,000, then we are not going to tax you. But if you run a piece of heavy equipment, digging out the World Trade Center, and you make \$1,000 because of your hourly wage and your overtime, we are going to tax you. Ain't that sweet?

This is the administration—my friend from New Hampshire wants me to believe—that is changing these rules in order that more people will get overtime. That does not pass the laugh test. Look, even the stenographer knows I am telling the truth. It does not pass the laugh test. Let's get real here, OK.

There is a sound philosophic argument for the position of the Republicans based on a different value set than I have, but it is sound. They argue the reason why you shouldn't tax the guy who doesn't break a sweat is because he will provide the liquidity, the pooling of money out there from which people can borrow money, make investments, cap investments, to put guys like my dad to work when he was alive. God love them being so concerned about my dad. But that is a legitimate argument. And what they say is, we value that effort, because it is a more societal consequence, than we value the guy sitting behind a crane or a heavy piece of equipment because we will tax him, but we will not tax the guy who creates something of greater value. He does not break a sweat. He does not put his body at risk. He puts his money at risk.

Now we are creeping into a two-tiered notion of what is the most valuable thing to be compensated in this country. It is a legitimate argument with which I fundamentally disagree. Make no mistake about where those guys are coming from. Don't try to tell me they are trying to help my brother, the laborer. Don't try to convince me they are trying to help the average middle-class guy. Don't try to tell me they are trying to create wealth among those who are raising their kids in split-level homes and trying to pay for tuition. Don't try to tell me that. They are trying to do that indirectly because if you let the big guy have more money, he will take a greater risk and he will invest it and maybe employ

that man or woman in the \$100,000 split-level home with three bedrooms and four kids. But for God's sake don't tell me that is their major concern.

This is about values. It is obvious this administration does not have the same value set, at least speaking for myself, that I have, or that we have had, or value the social contract in effect that we fought over all during the teens, 1920s, and 1930s, and began to put into place in the 1940s, 1950s, and 1960s.

The nature of the economy has changed, but the nature of those who have control and do not have control has not changed. That has not changed. Those numbers and proportions have not changed. This is not fair. But it is consistent. It goes back to the trickle-down, bubble-up disagreements, a very simplistic way to show the differences between our parties. We think average folks can actually make decisions for themselves. We think they can actually and should be rewarded for what they do. That will generate economic growth. They think, no, let the wealthiest among us make those judgments and that will trickle down and benefit my noncollege-educated father and mother. It is a legitimate argument. But it is different value set. It is a different way of looking at the world.

For Lord's sake, do not try to convince me this administration is seeking to change the overtime work rules so more people get overtime. In the last 3 years, more than 3 million private sector jobs have disappeared. And for each of those 3 million jobs lost, there is a story of a child without health care, a family in crisis without dignity or hope, their dreams lost or at least deferred. A job loss is not just another statistic, it is a real human tragedy.

Paraphrasing President Truman, and I didn't know what he was doing at the time, my grandfather Finnegan from Scranton used to say, Joey, when the guy up in Throop loses his job, it is an economic slowdown; when my brother-in-law loses his job, it is a recession; when I lose my job, it is a depression.

There is a lot of depression for a lot of folks out there. For 3 years now, this administration has told us that tax cuts are the only thing we need to do to get this economy rolling. They said tax cuts were all we needed to create new jobs. You know the talk about creating new jobs. But here we stand today, trillions of dollars in tax cuts later, and we have not added a single—hear me now—a single, not one net new job to the economy in the United States of America—not one. And I will bet the President anything he wishes to bet that at the end of his term—defeated or reelected—on election day 2004, this will be the first administration since Herbert Hoover not to create one single solitary net new job. As they used to say on "Saturday Night Live," "Ain't that special?"—not one new job.

Not only have we failed to create new jobs, we are losing the ones we have. Tax cuts were the only policy we had,

but it is painfully clear they haven't worked, at least in relation to jobs. And now it is clear that tax cuts and deficits are credited for crippling our ability to meet our responsibilities here at home in homeland defense and to shoulder the burdens we face around the world, at exactly the time the President has rightfully called on us to come up with another \$87 billion for Iraq.

I think it is time to ask the question: If we are not going to create any new jobs—and the President's Council of Economic Advisers argued, by the way, that last year's tax cuts would produce 5.5 million jobs between now and the end of 2004. With the loss of 93,000 jobs last month, that puts them 437,000 jobs behind their promise already. I challenge them to create one new job during this administration.

The latest official numbers look slightly improved on paper, but that is because nearly 2 million men and women who have been out of work for over half a year know that good jobs are just not there so they have completely given up looking for work.

I know my friend from West Virginia has been through a lot. He could, not figuratively but literally, write a book on this. He has witnessed what has happened to his coal miners. He has witnessed what has happened to the folks in his State. He has been through a depression. He was part of those who worked us out of that. He knows what not having a job means to somebody.

So most of us here—all of us, Democrat and Republican, know that the key to our dignity as human beings is being able to provide for ourselves, and it is also the key to a healthy economy.

A jobless recovery, which we have right now, means nothing to the millions still out of work. And this so-called jobless recovery is in danger of causing the recovery as a whole to sputter out because its foundation is not very solid.

There is little hope for sustained, healthy economic growth without solid, good-paying jobs. Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they are going to have a secure job, a job that pays a fair wage for a fair day's labor.

For over half a century, American workers have known what that meant: a 40-hour workweek and time and a half for overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

So I would just ask, what has changed in America that says when you work more than 40 hours a week, you should not get compensated more for it? What is it that has changed that says the premise of overtime pay is no longer sound? What is it? What is it that has changed, that is different from the agreement we made—business and management and labor—that if you

don't control your work environment, you should be compensated monetarily when you are asked to work in that environment beyond 40 hours? What has changed?

What is happening? Have we taken on a new set of basic values or is there something in the marketplace that has changed that demands this?

I will conclude with this. The irony of all of this is that at the very time when people are feeling less secure physically, the very time when people are feeling less secure about their jobs, at the very time when we have lost millions of jobs, and no reasonable prospect of seeing them regained in the near term, why is it they have to pile on now—pile on now—and begin to change that basic contract?

You would think they would at least have the good grace and the courtesy to wait until things have improved a little bit. It just seems to me to be really bad form, just bad form, because you know a lot of those guys and women who are making overtime are helping pay their mother's prescription bill, are making sure that their brother, who lost his job, is able to keep his kids in school.

A lot of that money for overtime is family overtime. And now we want to change that. I think it is getting a little bit greedy. I think it is just a little bit greedy. I think it is bad form. And I sincerely hope I turn out to be wrong. I sincerely hope the economic conservatives in this administration really are attempting to provide a change in the rules to make sure that more people get overtime. I will come to the floor and say: I'm sorry, I misjudged you. I thank you for your concern for working-class people. I thank you for your concern that not enough of them were getting paid overtime, and I appreciate the fact you are now willing to pay more people more overtime. I don't think I will have to make that speech. I hope I am wrong.

Mr. President, last month 93,000 Americans lost their jobs. Over the last 3 years, more than 3 million private sector jobs have disappeared. And for each one of those 3 million lost jobs, there is a story of a child without health care, a family in crisis without dignity or hope, their dreams lost or deferred.

A job loss is not just another statistic, it is a real human tragedy.

For 3 years now this administration told us that tax cuts are the only thing we need to get the economy rolling again. They said tax cuts are all we need to create new jobs. But here we stand today, trillions of dollars in tax cuts later, and we have not added a single new job to this economy.

Not only have we failed to create new jobs, we are losing the ones we used to have. Tax cuts were the only policy they had, but it is painfully clear that they have not worked. And now it is clear that the tax cuts and the deficits they created are crippling our ability to meet our responsibilities here at

home and to shoulder the burdens we face around the world—at exactly the time the President has rightfully called on us for \$87 billion for Iraq.

It is time to ask the question: Can this administration create just one new private-sector job, one more job than existed when they took office?

The President's Council of Economic Advisors claimed that the last tax cut would produce 5.5 million new jobs between now and the end of 2004. With the loss of 93,000 jobs last month, that puts them 437,000 jobs behind their promises already.

I challenge them to create just one new job during this administration, one new job before the next election.

The latest official unemployment number looks slightly improved on paper, but that is because the nearly 2 million men and women who have been out of work for over half a year know that god jobs are just not there and they have completely given up looking for work.

Jobs are the key to our dignity as human beings. And they are the key to a healthy economy.

A jobless recovery like we have right now means nothing to the millions still out of work. And this so-called jobless recovery is in danger of sputtering out because it lacks a strong foundation.

There is little hope for sustained, healthy economic growth without solid good-paying jobs.

Consumer confidence and consumer spending—the keys to our economy—ultimately depend on Americans' confidence that they have a secure job, a job that pays a fair wage for fair days' work.

For over half a century American workers have known what that meant, a 40-hour work week, and time and a half if you worked overtime. You could count on that extra pay in exchange for the extra burden of working more than 40 hours a week.

Many workers often have no choice about working overtime, it is up to their boss. But they have to work those extra hours, their employer is required to pay them time and a half.

This has been a cornerstone of the social contract between labor and management, between workers and employers.

For other workers, higher overtime pay is often absolutely essential to making ends meet. For those struggling along on the minimum wage or a little more, overtime pay can make all the difference when you are trying to make ends meet.

We know that many workers simply schedule themselves as much overtime as they can physically bear so that they can stay above water financially. But despite the key role of the 40-hour work week, despite the wide-spread reliance on time and half pay for work past those 40 hours, this administration has proposed crippling changes in the regulations governing overtime pay.

That is why I am here as a cosponsor to the Harkin-Kennedy amendment to

prohibit funding for those new overtime regulations.

Senator HARKIN deserves our thanks, and the thanks of millions of workers, for his leadership on this issue.

On its face, the issue could not be clearer. The administration wants to take away the rights of millions of workers to overtime pay. They want to make it easier for employers to reclassify as many as 8 million hourly workers—who now get overtime pay—to make them ineligible for overtime pay.

Right now, for most workers, if you are not "white collar" working in management, your boss has to pay you time and a half for all the work you do over 40 hours a week. The idea is that more highly educated workers, who participate in management, who have significant authority over the workplace, are more properly classified as salaried, not hourly, workers. They get a fixed amount of pay, no matter how many hours they may put in a week.

Hourly workers, on the other hand, who do not manage the conditions under which they work, who have less to say about the work week is organized, must be compensated if they work more than the basic 40 hours.

That has been the definition of a fair day's work for a fair day's pay for more than half a century, and its basic fairness still makes sense today.

America has changed, but not our values. But the administration's new regulations would make it easier—would actually create an incentive for employers to classify workers who have little advanced education and little or no authority—to classify those workers as white collar workers.

Those regulations would lower the amount of education currently required to classify someone as white collar or professional. And they would also loosen the definition of management activities to make it easier to claim that a lot of the basic paperwork many hourly workers currently do actually makes them administrators or executives.

Overnight, with the stroke of a computer key, millions of workers could lose the right to overtime pay. These rules are designed not only to make it easier to reclassify workers, but to make it pay for employers who do so.

Employers will save money, since they will no longer be required to pay workers time and a half for work that they are now guaranteed. There would be no change in the number of hours they could be required to do, no change in their education, no change in their responsibilities, just one change in the regulations in Washington—and they are out overtime pay and out of luck.

Today, when the biggest problem facing our economy is the loss of job, when a well-paying job is so hard to come by, these regulations are the worst thing we could do.

This administration has the worst record of job loss since Herbert Hoover—3.2 million jobs lost. Faced with the obvious fact that his economic

policies have failed to create a single new job, faced with the fact that years into a so-called recovery, we are still losing jobs, the President recently announced a warmed over package of his failed policies and labeled it a job creation plan. I suppose it is a good thing that he finally realizes that he is presiding over the worst job creation of any modern President.

Unfortunately, there is nothing new in his announcement, and absolutely nothing that would create one new well-paying job. If he truly wants to do something for the working men and women of America, I respectfully suggest that the President simply rescind these proposed regulations. That alone would protect the overtime pay on which so many men and women and their families depend today.

Now is not the time for this administration to use its regulatory power to cut the pay of millions of American workers. But if we will not stop this pay cut for millions of Americans, we can do that today here in the Senate. We can vote to prohibit any funds from going to enforce this unfair and wrong-headed change in our basic social contract, in the deal we have struck between millions of workers and their employers.

I urge my colleagues to join me in voting for this amendment.

Mr. President, I thank my colleagues and yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from West Virginia.

Mr. BYRD. Mr. President, are we operating under any time constraints?

The PRESIDING OFFICER. No, we are not.

Mr. BYRD. I thank the Chair.

AMENDMENT NO. 1543

Mr. President, when President Bush signed the No Child Left Behind Act, he promised to give schools the funding they needed to help every young person in this country succeed in the classroom.

That promise has not been kept. And there is no better example of that broken promise than the education funding levels in this appropriations bill. The most glaring example is the title I program. Title I helps the students who need help the most—the millions who are being left behind. It is also the program that, under the No Child Left Behind Act, will hold schools accountable for improving student performance.

We did not have this program in my day and schools did not have to be held accountable, either, for improving student performance. It was a given that students went to school to learn and that they were expected to study hard. That is why we had our schools. We were there to get an education.

That is why, when Congress wrote the No Child Left Behind Act, it authorized specific funding levels for title I for every year through fiscal year 2012. The authorized amount for fiscal year 2004 is \$18.5 billion. That is enough

to fully serve 6.2 million needy children, according to the Congressional Research Service.

How much does this bill provide? This bill provides just \$12.4 billion. That is enough to fully serve only 4.1 million children.

The amendment I am offering would increase title I funding by \$6.1 billion, for a total of \$18.5 billion, the fiscal year 2004 authorized level, and it would extend the full educational benefits of title I to 2.1 million children who otherwise would be left behind. This would allow us to keep the promise we made in the No Child Left Behind Act.

I have to my left a chart. This chart shows what this amendment will mean for schools in all 50 States. I know that their listing here creates a chart on which it is difficult to read from any distance virtually. But here they are, 50 States. Let's take a few examples.

Take for example New Hampshire. Under my amendment, New Hampshire schools will receive \$19.5 million more than they would receive under the Senate bill. That is a 66-percent increase over the fiscal year 2004 level.

Let's take a look at Pennsylvania. Pennsylvania schools will receive \$223.4 million more under my amendment. That represents a 51-percent increase over the fiscal year 2003 level.

In Maine, schools will receive an additional \$24 million for a 50-percent increase. In my State of West Virginia, schools will receive \$47 million, \$46.8 million more under my amendment than they would receive under the Senate bill, also for a 50-percent increase over the fiscal year 2003 level.

There are other schools. All of the States on this chart—and there are 50 of them—under my amendment every State receives an increase over the Senate bill.

Massachusetts will receive \$129.3 million more under my amendment than it would receive under the bill. Alaska would receive \$18.4 million more. New York would receive \$682.2 million more. California would receive \$899.5 million more than it would receive under the Senate bill. That is the way it goes all the way down the line. The District of Columbia would receive \$27.8 million more. The State of Ohio would receive \$203.8 million more. So every State would gain under the Byrd amendment.

This amendment is fully offset for fiscal year 2004. It achieves this by rescinding fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill and reappropriating those moneys in fiscal year 2003. That is the exact same mechanism that Chairman STEVENS and Chairman SPECTER are using to add \$2.2 billion to the base bill—the same mechanism. My amendment simply builds upon their mechanism and adds \$6.1 billion more for title I.

Unfortunately, there has been some confusion over this point. I was disappointed last week to hear a Senator from the other side of the aisle refer to my amendment as a gimmick. Yes, re-

ferred to my amendment as a gimmick. Think of that. That Senator on the other side of the aisle said my amendment was a gimmick. The exact words were "a gimmick of classic proportions."

Well, I would like to call the Senate's attention to page 76 of the base bill. Lines 1 and 2 add \$2.2 billion in fiscal year 2003 spending. Now read exactly what is in the bill, lines 1 and 2, "by striking \$4,651,199,000 and inserting \$6,895,199,000." So you see, lines 1 and 2 add \$2.2 billion in fiscal year 2003 spending.

Now just drop two lines; just go down the page two lines and read lines 3 and 4; 3 and 4 offset that increase by rescinding \$2.2 billion in fiscal year 2004 advance appropriations in the fiscal year 2003 Labor-HHS appropriations bill. So my amendment uses the same funding mechanism as has been used in this bill.

Mr. SPECTER, chairman of the subcommittee, can verify that. Mr. STEVENS, chairman of the full committee, one of the finest chairmen there have been since that committee was created in 1867, will verify that. He will verify that I am reading this accurately and that that is what is being done.

So my amendment uses the same funding those two illustrious gentlemen used in writing the bill. And if my amendment is a gimmick—hear me—if my amendment is a gimmick, what does that say about the base bill? Is it also a gimmick? I ask, is the base bill also a gimmick?

Opponents of my amendment have also argued that the Congress is under no obligation to fund title I at the authorized level because authorizations are just guidelines.

Well, title I is not your average authorization program. Most education authorizations don't put mandates on States. The title I program in the No Child Left Behind Act puts more Federal mandates on our Nation's schools than any law in 35 years.

This law requires every State to develop a plan for helping all students reach a proficient or advanced level of achievement within 12 years. That is all students—all students, not just those in the wealthy suburbs but poor students, students from Appalachia to Alaska, children with disabilities, students of all races and ethnicities.

Schools must leave no child behind, and if schools that receive title I funds fall short of this goal, they face serious consequences. Schools that fail to make adequate yearly progress in raising student performance for 2 consecutive years have to give the students the opportunity of transferring to another public school. That means the school has to take money it would have spent for instruction and use that money instead for transportation. The penalties get more severe as time goes on. Ultimately, if a title I school fails to make adequate progress for 5 years in a row, it can be taken over by the State or the entire staff can be fired and replaced.

These are serious penalties, Mr. President, and I support them. I believe it is high time we held schools accountable for their performance, but I also believe if we are going to threaten schools with penalties—and these are severe penalties—we have a responsibility to provide those schools with the resources they need to improve.

Senator KENNEDY and President Bush agreed on what those resources would be when they negotiated the No Child Left Behind Act. Senator KENNEDY and President Bush agreed that title I should be funded at \$18.5 billion in fiscal year 2004 and Congress voted overwhelmingly to endorse that figure when it passed the law.

When President Bush signed that law a few weeks later, he said:

We are going to spend more money, more resources, but they will be directed at methods that work.

But this appropriations bill which mirrors the President's budget request falls more than \$6 billion short.

Let me take just a moment to explain what schools could do with that \$6 billion. The amendment I am offering would provide enough funding to hire more than 100,000 highly qualified teachers for the students who are most at risk of being left behind. That means over 2 million disadvantaged students would be taught in smaller classes, and they would receive the full range of instructional services called for under the No Child Left Behind Act.

It is no wonder students and teachers across the country are clamoring for this funding. In West Virginia, the Department of Education announced this summer that 326 of the State's 728 schools failed to make adequate yearly progress under the No Child Left Behind Act. That is 45 percent of all the schools in the State.

In many other States, more than half of all the schools failed to make adequate progress. So I ask my fellow Senators: Where is the money going to come from to help these schools improve? State governments are facing a fiscal crisis. So State governments are not in a position to respond to the needs. Where will the schools turn? State governments are in no position to make up a funding shortfall from the Federal Government. Yet this appropriations bill underfunds title I by more than \$6 billion.

This bill is a betrayal of the No Child Left Behind Act. It is unfair to all the people in this country who are working so hard to implement it. Parents and teachers want their schools to be held accountable. They want every child to succeed. They are holding up their end of the bargain.

Where is the President? What happened to his commitment to education? I will tell you what happened. Once the President signed the No Child Left Behind Act and the cameras stopped rolling and the sound bites faded away, the President walked away from the job of funding education.

Sadly, we have seen this picture before. This January in his State of the

Union Address, President Bush announced a 5-year, \$15 billion global AIDS initiative. Later he signed a law promising to fund that initiative at \$3 billion a year. Then this summer, he went to Africa and promised to do all in his power to make sure Congress fully financed that law. But when it came time to put the money behind that promise, where was the President? The President fell short. And he is doing the same thing with education.

The Congress is being asked to provide billions of dollars for the reconstruction of Iraq—the Appropriations Committee, I hope, will conduct hearings on that request—for what we are told is Saddam Hussein's willful neglect of all major infrastructure needs, including schools. So the President wants money for Iraq. He wants to make up for Saddam Hussein's willful neglect of all major infrastructure needs, including schools.

Mr. President, if the United States Government is to address infrastructure needs in Iraq, why can we not find the money to support our own domestic education system in the form of funding the No Child Left Behind Act? Where are our priorities? I voted for the No Child Left Behind Act. I support the reforms in that law, but schools need more funding if we are truly going to leave no child behind.

I urge my fellow Senators to approve this amendment. We gave our word to the people when we passed the No Child Left Behind Act. So let us, Mr. President, keep our word.

Mr. KENNEDY. Will the Senator from West Virginia be kind enough to yield for a question?

Mr. BYRD. I will be happy to yield for a question.

Mr. KENNEDY. The Senator from West Virginia was here at the time we had the debate on the No Child Left Behind Act and remembers it very clearly. I remember one of the finest education talks I have heard in the Senate was where the good Senator from West Virginia reviewed for the Members of the Senate his personal experience—it was shared by a few others—in terms of the value of education as a young person when he was growing up in the State of West Virginia. As he remembers the debate on the No Child Left Behind Act and the debate we had the year before when we were looking at the reauthorization of the Elementary and Secondary Education Act, there was a general recognition in this body that just providing resources without reform was not meeting our responsibility to the children of this country. But if we were going to have reform, we were going to have to have resources.

As I remember the discussions we had with the President of the United States on this point, this was a simple concept, but a rather basic concept, one which gathered broad bipartisan support and was the keystone of the whole No Child Left Behind Act. I am wondering if the Senator remembers at

least that general debate and discussion in which this body said, OK, we have not been able to use the resources we have used in looking at title I and elementary and secondary as effectively as we would like to, but we are strongly committed toward reforming our educational system because education is so important to the future of our country, and that was a debate that took place, that resulted in No Child Left Behind, and it is to that issue that the Senator from West Virginia is addressing the Senate, as I hear him this afternoon; that we have put in place the reforms but what is not there are the resources to give life to the reforms. This is what is at the heart of the Senator's amendment, as I understand it and as I interpret it. Am I correct?

Mr. BYRD. Yes. The distinguished Senator from Massachusetts, who has been a leader in this field, and who is a leader in this field, remembers very clearly and accurately the purposes and the debate on the No Child Left Behind Act.

I have never wanted to just throw money at anything. I never felt that just throwing money at education was going to educate our students, but I have been in favor of the reforms that are in this act. I believe we ought to do everything we possibly can to utilize those reforms, to put them into effect, enforce them, and at the same time have the money available to these schools so the reforms can be made, will be made, and will be enforced. They are pretty tough reforms.

As I indicated in my remarks, we have an obligation to provide the monies to those schools. When I was going to school, I started out in a little two-room schoolhouse in Algonquin, WV, in the southern part of West Virginia. I entered school long about 1923. Of course, we did not have Federal aid to education then. We had good teachers, although they were not paid a lot. During the Depression, many of them had to take a reduction on their paychecks to get those checks cashed, but we had teachers who cared. I had foster parents who cared. Our schools were not much, but we studied hard and we tried to make a better life for ourselves and our parents. So I know something about the disadvantaged children and disadvantaged schools. I came through that Depression. I am proud to say I was alive in that Great Depression. I am proud to say I lived through it because it taught me a lot of lessons. It taught me the worth of an education.

Benjamin Disraeli, who was Prime Minister of Great Britain, said in the House of Commons in 1874—the reason I remember the date easily is it was the year before my foster father, Titus Dalton Byrd, was born. So it was 1874. Benjamin Disraeli said: Upon the education of the people of this country the fate of this country depends.

I think the Senator will join me in saying we ascribe to that; that upon the education of the people of our

country the fate of this country depends. So this is a vote to improve the education of disadvantaged children. It is a vote to keep our word that we gave when we passed the No Child Left Behind Act.

I congratulate the Senator from Massachusetts. I said he has been a leader. I said he is a leader and he was a leader on this bill. He spoke with President Bush and he worked this approach out with President Bush. I congratulate him for it, but we have to do what we can to live up to it, and that is what we are doing here.

Mr. KENNEDY. I appreciate what the good Senator has said in his comments. These figures might get complex for people who are watching this debate. Basically, the No Child Left Behind Act said, No. 1, we are going to let the States develop their own curriculums.

No. 2, we are going to have well-trained teachers who are going to learn that curriculum and be able to teach the students.

No. 3, we are going to have smaller class sizes so a well-trained teacher in the classroom is going to be able to interact with the students in those classrooms.

No. 4, we are going to find out how much those children learn over the course of the year by giving them not just robot tests and situations where teachers teach to the test but really inquire about what these children are learning in the classroom.

No. 5, we are going to have supplementary services to help those children if they fall behind so they will be able to keep up. That is effectively what we were looking at in the No Child Left Behind proposal.

We demanded accountability, as the Senator remembers. We demanded accountability from parents because we gave parents the report cards not only about how the children were doing but how their school was doing. We gave accountability to the teachers that they were going to have to upgrade their skills in the courses they were going to have to teach. We gave accountability to the school systems that unless the school systems were going to perform, if they were going to effectively abandon their children or not perform for their children, that they would effectively be taken over by the State. And we were going to insist on a good quality education.

Does the Senator, in his comments today, agree with me that we are getting accountability with the students who are working in America and the teachers who are trying hard and those in local communities who are trying to get the small classes, but we do not have the accountability by the President of the United States and the administration providing the resources to let them do it and that the amendment of the Senator from West Virginia would meet our accountability and our commitment when we voted on behalf of that bill?

Would the Senator agree that is effectively what we are trying to do?

That is the way I read the Senator's amendment.

Mr. BYRD. The Senator reads it as I intended it to be read and as other Senators who are cosponsoring this amendment intended likewise.

There is no question about the fact that we were trying to give our children smaller classrooms. The Senator might know—of course he would not know how many students were in my graduating class. I was valedictorian of that class in 1934. If there had been one more student in that class, I might not have been valedictorian. There were 28 graduates. What a large class. But it was not by virtue of the kind of legislation that we have been supporting. That was the number of students in those southern Virginia coalfields.

We had good teachers. They were not paid a good deal, but we knew the worth of a good teacher. They were dedicated. What we are trying to do today is give our children smaller class sizes so they will get from the teachers the kind of attention they need. We are trying to give them good teachers. We are holding the teachers to high standards, also.

Yes, I am somewhat amazed and offended by the fact that our President is wanting \$87 billion now for Iraq. That is \$87 billion for Iraq. That is not counting the \$69 billion the Congress has already appropriated, no questions asked, by the way, for Iraq, making a total of \$166 billion for Iraq. So we are going to be asked to consider a supplemental for Iraq.

I am going to consider that. But why not consider more moneys for our own students, for our own teachers, for our own schools? That is what we are trying to do here. We are trying to live up to the word the President and Senator KENNEDY and I and others in Congress gave to the American people, to the students of our country, and to the parents, and to the teachers.

Mr. KENNEDY. I want to just bring to the attention of the Senator from West Virginia the results of the scores that are taken in my own State of Massachusetts, which really began this effort, which is very similar to what I have just outlined here, 5 years ago.

Let me just read the front page on September 4, 2003 of the Boston Globe:

Scores show broad gains on MCAS test.

That is the statewide standard test, which is basically equivalent to what we call the NAEP test. Let me read this.

More Massachusetts high school students passed the MCAS graduation test on their first attempt this year, as scores climbed in nearly every grade, every subject, and every racial group, statewide results released yesterday show.

About 75 percent of the class of 2005, or about 52,000 students passed both the English and math portions of their 10th-grade test on their first try this spring. That is significantly better than 69 percent of students in the class of 2004 and 68 percent of students in the class of 2003 who passed the first time they took it.

Jubilant state officials hailed the scores at a State House news conference yesterday as

"extremely impressive" proof that the Massachusetts 10-year effort to improve public schools is bearing fruit.

Curriculum reform, better teachers, smaller class size, afterschool programs—this is just what has happened in one State, I say to Senator BYRD. These were the same things we were committed to for every State in the country, to see this kind of progress.

We have not solved all the problems. We still have many others. I will not take the time of the Senate to review all of the different categories, the ethnicity, the student status, all the different categories. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCORES SHOW BROAD GAINS ON MCAS

(By Anand Vaishnav)

More Massachusetts high school students passed the MCAS graduation test on their first attempt this year, as scores climbed in nearly every grade, every subject, and every racial group, statewide results released yesterday show.

About 75 percent of the class of 2005, or about 52,000 students, passed both the English and math portions of the 10th-grade test on their first try this spring. That is significantly better than the 69 percent of students in the class of 2004 and the 68 percent of students in the class of 2003 who passed the first time they took it.

Jubilant state officials hailed the scores at a State House news conference yesterday as "extremely impressive" proof that Massachusetts' 10-year effort to improve public schools is bearing fruit. But they acknowledged that a racial achievement gap persists, with more than half of Latino students and almost half of African-American students failing one or both of the 10th-grade tests.

"There have not been wholesale brain transplants. There has not been an increase in the IQ of the citizenry of Massachusetts," Governor Mitt Romney said. "Instead, our education system is doing a better job with our kids."

About 527,000 students in grades 3, 4, 5, 6, 7, 8, and 10 took one or more sections of the MCAS in April and May, in English, math, or science.

The results were particularly encouraging for 10th-graders, members of the class of 2005, who were in first grade when the 1993 Education Reform Act, which introduced the tests, became law. About 80 percent passed the math test on their first attempt, and 89 percent passed English.

Scores also improved for students with disabilities and those with limited English skills—two groups that have struggled with the exam since it became a graduation requirement with the class of 2003. About 46 percent of disabled students passed the 10th-grade test after just one round, up from 32 percent of limited-English students passed, double the 17 percent who passed a year ago. The jump came despite new federal and state laws allowing few students with a native language other than English to skip the test.

To some observers, the signs were clear that 10 years of efforts on education, from billions of dollars in new funding to the first statewide curriculum standards, were paying off. Massachusetts has recorded parallel gains on national tests such as the SAT and the National Assessment of Educational Progress.

"All signs are that education reform is taking root, and this is part of the harvest,"

said Andrew Effrat, dean of the School of Education at the University of Massachusetts at Amherst.

Still, Effrat said, the battle is not over, calling the failure rates for minority students significant.

For example, 84 percent of white 10th-graders passed MCAS on their first try, compared with 44 percent of Latinos and 52 percent of blacks.

Last year, a group of student in the class of 2003 sued the state, saying the Board of Education had exceeded its authority in enacting a graduation requirement and that schools had not prepared them for it.

Students in 10th grade can take the test five times before graduation, but they must pass MCAS and all of their classes to earn a diploma. Individual school and district scores will be released in about two weeks along with retest scores from the class of 2003 and 2004 that will show how many students still must pass before earning their diploma.

MCAS opponents yesterday questioned how the gains could last as schools facing significant budget cuts this year have laid off teachers, boosted class sizes, and slashed supplies. In addition, the Legislature sliced the \$53 million in state money for MCAS tutoring to \$10 million this year, and a Romney spokeswoman said she could not say whether the governor will include more money for MCAS help in his forthcoming supplemental budget.

Some MCAS critics attributed the gains to a relentless focus on test preparation in schools and the practice of holding back ninth-graders who are not prepared for the exam, and who may later drop out.

"Clearly, test preparation makes test scores go up, and other things contribute, like attrition, which has been a consistent theme and not so much paid attention to" by the Department of Education, said Lisa Guisbond, a statewide coordinator for the Massachusetts Coalition for Authentic Reform in Education, which opposes the MCAS graduation requirement. "These are things that continue to be troubling."

However, Massachusetts commissioner of education, David P. Driscoll, and the state Board of Education chairman, James A. Peyser, pointed to higher scores for black and Latino teens as evidence of a "dramatic breakthrough" in the achievement gap. In 2001, 77 percent of white 10th graders passed MCAS on their first try, compared with 29 percent of Latinos and 37 percent of blacks.

Left unanswered yesterday were questions about a steep drop in the number of black test-takers. State education officials said they will need to study why only 3,530 black 10th-graders took the test this spring, down from 4,587 last year. The number of white test-takers also dropped, from 49,866 to 44,131. One possible explanation is that fewer students specified their race this year, state officials said.

It could also stem from an increase in the number of students dropping out, leaving Massachusetts, or repeating ninth grade.

First administered in 1998, the MCAS test has sparked rallies, protests, and a campaign for a statewide ballot question to get rid of the graduation requirement.

Guisbond also questioned whether changes in scoring could have inflated results. This year, 10th-graders needed 19 out of 60 points on the math test to pass, down from 20 out of 60 last year, state officials said. On the English test, they needed 38 out of 72 points to pass, down from 41 out of 72.

Jeff Nellhaus, associate commissioner for students assessment, said the Department of Education lowered the number of points needed to pass because a statistical analysis of the exam showed that it had harder questions than the year before.

School districts received their students' scores last month and are just now analyzing the results. Tyshawanna Richardson, a junior at the Codman Academy Charter School in Dorchester, passed English but not math. Twenty-five sophomores at the school took the exam—all passed English, and about two-thirds passed the math section.

"I plan on going over whatever I didn't get, to understand it so this time I can pass," said Richardson, 16, of Mattapan. "It wasn't that hard."

Mr. KENNEDY. But I want to ask the Senator this last question. In the Budget Act, the budget for fiscal year 2002, the conference report—this is what bothers me. We have seen the increase in the education budget going from 1997 to 2001 up to 13 percent, to 2002, to 16 percent. That is when Democrats and Republicans worked with the President to try to begin the downpayment on this effort. This is when we had the bipartisan agreement.

Then the next year, as the Senator has pointed out, after the television lights had faded and the crowd had disappeared, we have in the budget, with the Republicans in charge:

For the years beyond 2002, this report assumes the 2000 discretionary function level grows by inflation.

It grows by inflation. Therefore, under the Republicans, it was going to be zero, zero, zero, zero, zero. That is what was in the Republican budget. After we passed the bill and we saw the bill increase, this is what they were saying.

Many of us were saying that might have been, but we will hope for the next year from the President of the United States, who specifically negotiated those increases—we thought: That's a mistake—we will find something different. But instead what we have effectively found, as this chart here indicates, under the Bush budget, it leaves millions of children behind. We are going to be leaving 6.2 million children behind; 5.89 in 2005; 5.8 million in 2006; 2007, more than 5 million; 5 million; 5 million. Effectively, under the Byrd proposal, if we continued that progress we achieve what the No Child Left Behind committed us to, and that was we were going to have, at the end of 12 years, proficiency in the public schools for the disadvantaged children of this country. That is what the Byrd amendment puts us on a pathway to. That is why it is so important, so essential.

If the Senator would permit me one more moment? We attended the Armed Services Committee meeting earlier today. Does the Senator not agree with me the investment in education is essential if we are going to have the best fighting men and women in the world; that investing in education is essential if we are going to have the strongest economy in the world; and that investing in education is absolutely necessary if we are going to be able to preserve democratic institutions in the greatest country of the world? That this is the core value?

Parents understand that. You and I understand it. Senator HARKIN and

Senator MURRAY understand that. That is what the amendment of the Senator from West Virginia commits us to here, at a time when we are being requested \$87 billion, to say we can have a downpayment of \$6 billion for the children of this country.

Mr. BYRD. Mr. President, there is no question about it. I want to thank the distinguished Senator for his work in this field. I want to thank him for his work on the Armed Services Committee. And I want to thank him for his leadership in making laws that will better prepare our young people for the future, for what lies ahead of them. Of course, we need better educated people in our Armed Forces. Of course, we have to have better educated people if we are going to keep this country as the superpower of the world.

I want to thank him for what he has done in this respect. I know he must feel very proud of the record that has been established by his schools up there, to which he referred a little while ago. Those performances were in English and math. They are not easy subjects, as I recall—not the easiest. But there is no subject matter that is more important than that of English, grammar, mathematics. He must feel justly proud of the performance those schools have made, that has been made possible, to a considerable extent, by his work on this legislation. So I thank him for his contribution here to our debate today also.

Mr. KENNEDY. I thank the Senator very much.

Mr. BYRD.

I took a piece of plastic clay
And idly fashioned it one day,
And as my fingers pressed it still,
It moved and yielded to my will.
I came again when days were past—
The bit of clay was hard at last;
The form I gave it, it still bore,
But I could change that form no more.

I took a piece of living clay
And gently formed it day by day,
And moulded with my power and art
A young child's soft and yielding heart.
I came again when years were gone—
It was a man I looked upon;
He still that early impress wore,
And I could change him nevermore.

That is what we are talking about.
That little piece of clay. That little piece of clay.

Just a closing thought about our teachers:

A builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye."

A teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the teacher builded
Was unseen by the eyes of man.
Gone is the Builder's temple,

Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.

But the temple the teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

Mr. President, I ask unanimous consent the following Senators be added as cosponsors to the amendment I have offered: Senators HARKIN, DODD, DORGAN, KOHL, BINGAMAN, LIEBERMAN, DAYTON, PRYOR, CORZINE, MIKULSKI, SCHUMER, KENNEDY, JOHNSON, EDWARDS, MURRAY, ROCKEFELLER, LAUTENBERG, LINCOLN—the first name of the Senator who graces the chair and presides over this August body at this moment, with a degree of dignity and skill that is so rare as a day in June—LEAHY, GRAHAM, KERRY, LEVIN, CLINTON, JEFFORDS, REED, SARBANES, CANTWELL, LANDRIEU, STABENOW, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I came to the floor this afternoon to speak about the amendment offered by Senator HARKIN, and I will do so in just a minute. But first I want to congratulate Senator BYRD for his tremendous work on education and thank him for his extremely strong voice in this area.

I know many students are starting school this week. Many young people are just starting out in kindergarten across the country this year. They will be grateful for Senator BYRD and his strong support of education. But so will the many students who have traveled to school while he has been here in the Senate advocating for them. I thank him for his work on their behalf over the many years. For all the young people out there who benefited from his wisdom and support but also, very importantly, for the teachers who will benefit as well, I thank my colleague from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Washington, Mrs. MURRAY.

AMENDMENT NO. 1580

Mrs. MURRAY. Mr. President, I came to the floor today to speak in strong support not only of Senator BYRD's amendment but also of the amendment offered by Senator HARKIN. The amendment Senator HARKIN has offered is extremely critical in today's world. It is offered in order to protect hard-working Americans such as our police, firefighters, and our nurses who rely today on overtime pay.

It is unbelievable to me that today as families struggle in this extremely difficult economy, the Bush administration wants to cut overtime pay for millions of Americans who depend on it just to make ends meet at home.

My colleagues have been in the Chamber discussing the Bush administration's proposed changes to the Fair Labor Standards Act which sets the rules regarding overtime pay in this country. According to the Economic

Policy Institute, those changes are going to mean a pay cut for up to 10 million working families. These proposed changes will mean a pay cut for up to 10 million working Americans. These families are working really hard today. They are playing by the rules. They are trying to make ends meet. And this administration is squeezing them once again. To me that is unacceptable. That is why the Harkin amendment is so important today.

The question I have is this: Haven't American workers been punished enough by this President's economic policies? Not only have we seen millions of Americans lose their pensions but we have seen massive tax cuts for the few while everyone else struggles just to get by.

In my home State of Washington alone, we have lost more than 73,000 good-paying jobs since this administration came into office. My State unemployment rate is now the third highest in the Nation at 7.5 percent. In fact, just recently one of our business columnists suggested that the actual unemployment rate for Western States could be as high as 11.8 percent, if you count all of our unemployed workers.

Here we are with so many people out of work and so many people struggling to keep their jobs. Now this administration wants to force a pay cut on those people who are working overtime for their employers and are just trying to make ends meet. I don't think we should forget that these workers are now often the only breadwinners in their family. This change will hurt up to 10 million hard-working Americans. I come to the floor today to talk about some of the real people who are going to be squeezed by this amendment.

Right now, our firefighters, our policemen, and our EMTs are working very hard on the front lines on homeland security. They have gone above and beyond the call of duty, often with inadequate training and often with inadequate equipment. But they are doing it to protect us in this dangerous age. Today, many of them are working overtime in order to do that.

Now the Bush administration is telling our firefighters, our policemen, and our EMTs that they don't deserve overtime pay for the extra work they do. I find that very insulting. We know it will hurt their ability to provide for their families who every day watch these men and women go off to work and hope they return safely at the end of the day. Even worse, it really violates the great trust we place in this country on our first responders.

The International Union of Police Associations has estimated that 200,000 midlevel police officers will lose \$150 million in overtime pay if these new regulations are implemented. I believe our firefighters, our policemen, and our EMTs deserve overtime pay for their overtime work. The Bush administration is trying to squeeze them, and that is wrong.

Let me give you another example of whom this change will hurt. In commu-

nities across the country we have a shortage of nurses. I hear it from everyone who comes into our office. It is really causing hardship everywhere. These nurses are working really hard. They are providing care under extremely difficult conditions. Now the Bush administration is going to prevent more than 230,000 licensed practical nurses from getting overtime pay. They work hard for it. Frankly, in my view, they deserve every penny they get.

When I first heard about this disturbing proposal, I joined with my colleagues to tell the Bush administration they are on the wrong track. As the ranking Democrat on the Subcommittee on Employment, Safety, and Training, I was proud to join with Senator KENNEDY and 40 other Senators in sending a letter to Secretary of Labor Chao. We asked her not to implement the proposed regulation that would deny overtime pay to hard-working Americans.

In our letter, we asked the Secretary to consider millions of workers who depend on overtime pay to make ends meet and to pay for things such as food, childcare, housing, health care, and sending their kids to college—what every family wants today. We know overtime pay also makes up to 20 to 25 percent of an eligible worker's wages. But it seems this administration would rather provide tax cuts for the rich—that is where their priorities are—while cutting the pay of working Americans who most often live paycheck to paycheck.

During this debate, we heard some dubious arguments from the other side. We heard that we need to update the Fair Labor Standards Act because it was passed back in 1938. But what they haven't told us is that Congress has updated that act in fact eight times.

In 1985, Congress reviewed the law and extended it to State and local governments, leaving in place the current overtime exemptions.

Furthermore, the Bush administration is taking some unprecedented steps. Never before has the legislative branch authorized changes in the overtime rule. Never before has Congress directed the Department of Labor to take overtime pay away from millions of American workers.

You have to wonder, why the urgent need now to gut these time-tested worker protections? Could it be that the Bush administration and its business allies want to reduce the amount they pay in wages? Maybe it is because employers know in this very tough economy employees will just go along and accept the loss of overtime because they are so afraid they will be laid off. I will leave it to others to answer those questions.

The Senate should not support this coercive antiworker proposal. It will drain the wallets of millions of Americans who are working hard today to put food on the table. This proposal from the White House, in my opinion,

is just another slap to working Americans. We need to stop it in the Senate.

I commend the Senator from Iowa for offering this critical amendment. Senator HARKIN has always been a great friend to working Americans, and today those Americans need this Harkin amendment to protect them from this administration's designs.

I urge my colleagues to stand up for our firefighters, stand up for our police, stand up for our EMTs, stand up for our nurses who work every day for Americans. Stop this proposed pay cut for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I congratulate my colleague, Senator MURRAY, for speaking on the overtime amendment offered by Senator HARKIN, and Senator ROBERT BYRD for speaking on his amendment involving funding the President's mandate, the No Child Left Behind legislation. I address both of those issues for a moment.

First, I say to the Senator from Washington, what she has outlined in her State can be repeated in virtually every State across America. For the last several years, we have seen a loss of jobs in America virtually unprecedented in recent history. In fact, you have to go back so far as President Herbert Hoover in the Great Depression to find a time when America has lost as many jobs as we have lost since President Bush took office. Remember, in the preceding 8 years we created 22 million new jobs in America, but since President George W. Bush has taken office we have lost almost 3 million jobs. This is a modern record, a sad record felt in every State, my own included.

I have also been told that some 90 percent of the jobs we have lost have been manufacturing jobs, jobs which have been lost to Third World countries, countries such as China, that have taken away the manufacturing jobs that used to be the bread and butter for the communities of America. They are leaving in droves. Since President Bush took office we have lost 120,000 manufacturing jobs in Illinois. In the last 5 years, we have lost one out of every five manufacturing jobs, and there is no end in sight.

I held a press bipartisan conference today with some of my colleagues who decried the current situation in China where they are sucking away all of our jobs because of currency manipulation. The point is that will be addressed in another bill.

In this bill, we have to be concerned not with the exodus of American jobs to Third World countries but the immigration of Third World labor standards into the United States. The Bush administration, through the Department of Labor, is establishing a standard which says that some 8 to 10 million workers in America will no longer qualify for overtime pay. Those included in that group, as we have heard from my colleagues on the floor, are

firefighters, nurses, many who have important jobs in communities related to health and safety. The Bush administration has said they will not be entitled to overtime in the future.

Those with a sense of history can remember from our history courses and our readings how many lives were lost in America in the establishment of the labor movement to fight for one particular thing: the 40-hour workweek. This was, frankly, one of the most contentious issues. We finally said, as a matter of law in America, businesses could only work their employees 40 hours a week or they would have to pay time and a half for the extra time. That was a bitter battle that went on for decades with a lot of bloodshed and lives lost because of social upheaval as workers across America spoke out for their rights. But eventually it was established. The 40-hour workweek in America became a sacred precept, not just in collective bargaining contracts but as well in legislation, to apply to everyone. The understanding was that beyond 40 hours you would have to pay extra.

What is the basis for it? Certainly so the workers' rights would be respected. It would lessen exploitation. It would say to the employer, if you are going to work someone beyond 40 hours, that certainly is a physical impediment, one that could be a hardship, as well as a family hardship, and you should pay more for it.

Now comes the Bush administration saying it is family friendly and eliminating the right to overtime pay for 8 to 10 million Americans. It could not come at a worse time. It could not be a worse idea.

Senator HARKIN of Iowa offers an amendment which my friends on the other side of the aisle are afraid we will call for a vote on, an amendment that says we will not allow the Department of Labor to go forward with this bad idea.

I totally support the Harkin amendment. We need to protect the rights of workers in America today, rights that have been fought for decades, over a century of effort by men and women to bring dignity to the workplaces under assault because of this proposal from the Bush administration.

Let me say a word about the Byrd amendment before the Senate. Senator ROBERT C. BYRD of West Virginia has offered an amendment which basically says to the President: Keep your word. Keep your word.

When this President came to office as the education president, he said: I am going to bring Democrats and Republicans together. He turned to my friend and colleague behind me, Senator KENNEDY, and said: Join me in passing the No Child Left Behind legislation. Let's do it right. Let's do it in a bipartisan fashion.

Senator KENNEDY joined him, as did Congressman GEORGE MILLER of California, in a bipartisan effort, supported by many, including myself. No Child

Left Behind demanded accountability in schools but said if the children are having a tough time passing the test, we want to provide extra resources to school districts across America so the test scores will improve.

Resources for title I is a program where school districts directly help students and their families, students who are falling behind. The amount that was to be authorized for this was spelled out in law, written down and approved by the President, signed into law, and No Child Left Behind went into effect.

Across America, public schools are bound by the requirements and mandates of No Child Left Behind. But, unfortunately, when it came to President Bush's budget, he failed to appropriate the funds necessary to pay for this mandate. So the mandate goes unfunded at the local level.

I don't know about the States of my colleagues but I can speak about Illinois. We are in a terrible fiscal crisis. We had to cut \$5 billion in State funds this year—a very difficult thing to do—and our schools have suffered in the process. For us now to say that this Federal mandate of No Child Left Behind is not going to be funded as President Bush promised means that the President is not keeping his word to the schoolchildren and families of America.

Senator BYRD's amendment says to the President: Keep your word. Find the \$6 billion you promised to send to these school districts.

I happen to think Senator BYRD is right. I am happy to be a cosponsor of his amendment. We cannot at this point in time establish new mandates and new responsibilities on school districts across America struggling to survive and not provide the resources.

In my home State of Illinois, almost half of the school districts are now in desperate financial straits. In the city of Elgin, IL, a growth area in my State, they appropriated funds 2 years ago to build four new schools that were to be open this fall when school opened. Sadly, the Elgin School District does not have the resources to open the schools. They cannot afford the teachers. They cannot afford the overhead costs. The four brandnew school buildings sit vacant, an indication of how difficult it is to fund education at the local level in the midst of a recession, in the midst of a situation when State budgets are struggling to find balance.

That is a compelling argument for us to keep our word, to make certain that school districts across America have the money to help the kids improve their test scores, improve their education, become better readers, understand math and science, and improve as students. Unless and until we do that, we have no business mandating on these school districts that they have to start transporting students across school district lines and all of the other penalties associated with No Child Left Behind.

Let's pass the Byrd amendment. Let's keep our word to the schoolchildren across America, even if the Bush budget does not.

The last point I make is an amendment which I plan to offer at the first opportunity. Again, it relates to a promise made by President Bush. I was at the State of the Union Message, as most Members of the Senate attended, just a few months back. I listened carefully as the President made a pledge on behalf of the people of the United States. It was historic in terms of its commitment. The President said: We in the United States would lead the world in battling the global AIDS epidemic. President Bush said to standing, thunderous ovation from both sides of the aisle that he was pledging \$15 billion a year over the next 5 years to fight the scourge of HIV and AIDS around the world. It was the right thing to do. The President was showing the leadership, which we expect of him, and leadership which makes all of us proud as Americans. Frankly, most of us believed at that point the deal was cut, that from that point forward no questions would be asked.

Now look at the bill before us and what do you find? Do you find that the \$15 billion over 5 years results in \$3 billion in spending in the next year, as one might expect? No. Scarcely \$2 billion will be available—\$2 billion to meet a \$3 billion commitment.

There have been many serious casualties in Iraq. We have lost many lives. Many of our service men and women have been injured. But now we are dealing with the other Iraqi casualties—funding for our schools, funding for the global AIDS epidemic.

The President again must be held to the standard that he set, the standard of American leadership around the world in dealing with the global AIDS epidemic. I certainly hope my colleagues, many of whom voted for the resolution offered by JEFF BINGAMAN, the Senator from New Mexico, a few weeks ago—I think there were over 80 votes in favor of it, and we said we should put \$3 billion in the budget this year for the global AIDS epidemic. I hope they will support my amendment which I hope I can offer later today or the first thing tomorrow, because in that amendment we will be able to keep our word.

Recently, in the Chicago Tribune, there was an editorial. This editorial suggested that this is a key floor vote on whether we are going to implement President Bush's bold \$15 billion 5-year plan to fight AIDS in Africa and the Caribbean. The Tribune went on to say:

The vote will go a long way toward determining if the U.S. will keep its promise to lead the world in the fight against AIDS.

That noble pledge seems to be wilting under the heat of other budget pressures. Bush has lobbied Congress for no more than \$2 billion for the first year. The Global Fund to Fight AIDS, Tuberculosis and Malaria would be particularly hard-hit by the reduced commitment.

They go on to say, my colleague from Illinois, Representative Henry Hyde, in the House:

... secured approval for legislation specifying that \$2 billion, plus an additional \$1 billion for the Global Fund, would be disbursed each year, rather than "backloading" the money into later years.

Make no mistake, the AIDS epidemic is upon us. Every year we delay, every dollar we delay will increase the number of deaths and hardships and orphans created by this terrible disease. We have an opportunity to do something significant in terms of the global AIDS epidemic, in terms of our Nation's commitment, in terms of what President Bush has said he would do as our leader in this country. But we need to follow through. Let's not look for excuses. Let's, instead, look for the opportunity to lead, which is before us today.

I encourage my colleagues to join on these three amendments by supporting TOM HARKIN to stop the overtime pay change, which the Bush administration is pushing; secondly, to support Senator ROBERT BYRD, who has said the President must keep his word to fund the mandate which he has sent to public schools across America; and again, in my amendment, to offer the \$3 billion to a world desperately in need of our help to deal with the global AIDS epidemic.

We can do this. We can keep our word. We can show the leadership that the President has promised.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1566

Mr. KENNEDY. Mr. President, I will speak briefly about my higher education amendment, which I offer with my friend and colleague, Senator COLLINS, from the State of Maine.

It is our hope that we might be able to vote on the Byrd amendment and the amendment of the Senator from Connecticut and this amendment later this evening. I do want to take a few moments, once again, to review the importance of adding the \$2.2 billion to make sure the Pell Grant Program will continue to be alive and well.

Very quickly, the issue of availability of college for young people on the basis of their talent and educational achievement goes back to the 1960 campaign. That was a prime issue in that campaign: whether we, as a matter of national policy, were going to say to any young person in America, that if they had the ability to get admitted to any of our fine universities across this country, the size of their pocketbook or wallet would not limit them in terms of attending any of the great public or private universities, that they would be able to put through a package which would include grant programs, some loan programs, perhaps some work-study programs, perhaps a summer job program, and whatever else they might bring to the table, but at least it was going to be available.

There was going to be help and support for any young person in America. And any young person who was to take advantage of it was not going to have to mortgage their future in terms of borrowing from banks or from loan agencies. That was enormously important.

As a result of that, we have seen the opportunity for higher education available to millions of Americans. It was not really much of a surprise because we had seen the GI bill and then the cold war GI bill that was made available to veterans who took advantage of it.

The GI bill, after World War II, opened up enormous opportunities for new generations. Any careful review and study of that GI bill would find that paid back into the Treasury \$9 for every \$1 that was invested in students. It more than paid for itself just in terms of the bottom line economics of it, let alone the opportunity it gave to millions of young people. And then we had the cold war GI bill.

So this issue has been discussed and debated in this country as a matter of national policy. But what we are seeing, in the very recent times, is the sliding away from that fundamental commitment that says young people, if they are able to meet the academic standards, would be able to go to college.

In fact, I can remember a Secretary of Education, under a Republican administration, testifying before the Education Committee and saying: That is not what this Republican administration is really all about. Any young person will go where they can afford to go. And it should not be the Federal Government that is going to provide them with any of the help and the assistance.

That was an absolute retreat on what I thought for a time was a matter of a national kind of policy and priority. But, nonetheless, we have had to have that battle every several years. We have to have that battle on this Appropriations Committee because any careful reading of this appropriations bill would reflect that this Republican bill does effectively nothing to help families afford college. This has a zero increase in individual Pell grants. It has a zero increase in campus-based aid. It has a zero increase in the college work study. These are programs to provide job opportunities in the schools, as well as the Pell Grant Program.

If we look at the difference, the contrast between grants and loans, we can look back over the recent history. This goes back to 1980, 1981, where you will see that 55 percent of the education assistance was actually in grants, and then about 42 or 43 percent were actually in loans.

If you look at where we are now, in 2001, 2002, you will find 58 percent are loans and 41 percent are grants. This is a dramatic shift.

What this has meant is that great numbers of young people—estimates

are anywhere from 35 to 45 percent—who are attending higher education are working 25 hours a week or more.

If you visit any of the campuses, you will find that the young people, at the time there is a break in the instruction, are talking about their jobs rather than talking about the books or their poems or the ideas which they are taking from their classes.

What we have seen is enormous indebtedness that the young people have experienced over this period of time, and this is for the average student who is going to any of the schools. About 68 percent of any of the young people who are attending schools or colleges get some financial aid.

Four years ago, when they were graduating from any of the public and private institutions across the country, the average was \$27,000, \$28,000 a year in terms of debt. Now that has doubled effectively because of the increase in the amounts the young people have to borrow. That has increased dramatically with a number of the young people who are going to graduate schools. And it is not infrequent that those who are graduating from the graduate schools end up with debts of \$100,000 or \$120,000.

This chart shows the shrinking buying power of the Pell grant. Going back to the late 1970s, if you got a Pell grant, it was about 84 percent of the cost of your education, if you went to a public 4-year institution. If you went to a private institution, it was still about 40 percent. Now we find it is 39 percent instead of 84 percent, if you are going to a public 4-year institution. If you are going to a private 4-year institution, it is down to 15 percent.

One of the most dramatic factors is the median income for the Pell grant recipients. It has gone from a little over \$11,000 for family income in 1989 to 1990, to the year 2000 where it is now \$15,000. This is the average income, 15,200 for 4.8 million young people who get the Pell grant who go to college today. But these are individuals who have the academic know-how and who have worked hard, come from humble backgrounds, and have been able to excel academically and gain entrance into some of our finest schools and colleges in the country. They are demonstrating an extraordinary perseverance.

What we are saying with this amendment is that we are going to make sure the Pell grant is going to continue its value in terms of young people who are qualified for it. Under this particular amendment, it will add \$450 to the value of the Pell grant, which will mean 200,000 more children will be able to take advantage of the Pell grant in this \$15,000 range. These are young people of talent, commitment, and conviction, who are hard working. This gives them the opportunity. That is what this is about. If this amendment is not successful, there will be over 100,000 Pell grant recipients, it is estimated, receiving the Pell grant today who will

lose it as a result of the increase in the tuition that we have seen escalate over the past year.

I will not take the time to go over the increases, but every Member of the Senate understands what has happened in terms of increases in their States.

Finally, I draw the Senate's attention to the administration's policy itself, talking about Pell grants. The bill provides \$12.7 billion for Pell grants, \$538 billion less than the President's request for the high priority program. We are asking for \$2.2 billion in order to provide for the Pell grant but also the TRIO programs, which are the indispensable link for children who come from disadvantaged educational circumstances but are gifted and talented, so they are able to gain entrance into the schools, as well as the GEAR UP Program which has been such a success.

We believe this is one of the most important amendments. If you care about education, you will stand with BOB BYRD, with his increase in No Child Left Behind. If you care about providing opportunities for the sons and daughters of low- and middle-income families who have ability, who have creativity, who have demonstrated their willingness for hard work, you will vote for this amendment. This amendment makes sense. It is an expression of a nation's priorities. I hope we will have a strong vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we will engage in a colloquy now to explain a little bit about what has been going on today and yesterday and outline what the plans will be for tonight and tomorrow. It will be myself and Senator DASCHLE and the managers of the bill, to clarify our general understanding.

First of all, last week tremendous progress was made on the bill. The managers have done a superb job in taking what we all know is a large, very important bill, a complicated bill, and systematically addressing the amendments that Senators have brought to the floor. A particular amendment, the Harkin amendment, has been the amendment talked about today and over the last 3 days. And it is an amendment that people feel very strongly about on both sides of the aisle.

In addition, both sides have looked at a whole range of amendments. And the managers have been made aware of those amendments.

As is always the case, the list is very long. But after discussion with the managers, it is clear that we have a manageable number of amendments that can be addressed if we started right now, tonight, in which case we would have to go very late tonight, tomorrow, and tomorrow night and complete action on the bill.

What it would mean is going back, in essence, to regular order in the sense of going back and voting shortly on four

amendments, starting in a few minutes, after which the general understanding is that we would debate about six amendments tonight. Again, these are amendments which have been presented. They have been talked about and discussed. They would be debated tonight with the expectation that tomorrow morning we would vote on those amendments that require a vote and that we would vote on the Harkin amendment in the morning.

All of this is with the understanding that we would complete the bill tomorrow night and that we would stay and complete the appropriations bill as long as it takes tomorrow night, understanding that it is going to be challenging, that we are going to have to stay right on the bill and the amendments under discussion and stay focused in order to complete that bill tomorrow night.

If that could be done—and it will be done, based on the agreement—then it would be possible for us not to have rollcall votes on Thursday or Friday. We have September 11 on Thursday. We will have services here at the Capitol, and most of us will be participating in services either in our districts or here. So it is a challenging day. But I also think it is important for us to continue the normal business of the Senate on September 11 around those services. We would have a legislative day on Friday. In fact, we would be able to move to other business on Thursday and on Friday. But when we finish the bill tomorrow night, it would be with the understanding that we would address the amendments that I mentioned tonight, the specifics of which we will talk about shortly, and that we would finish the bill tomorrow night; that we would not leave until we finish the bill.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I concur with what the majority leader has just described as the current understanding. It is not our intention to ask for unanimous consent. That is not necessary. We have a number of amendments under regular order that can now be called up. It is our hope that we could get at least through four of them, perhaps more. It is also our expectation that we will have additional amendments offered tonight with an understanding that those votes will occur in a stacked sequence tomorrow morning, following the vote on the overtime amendment.

I believe it is possible for us to finish our work tomorrow if we put in a full day. We have lost a lot of time, unfortunately. But I think we can make up for that lost time tomorrow, with the understanding that Senators have to travel to their States, in many cases. We know of at least eight Senators, those most affected by 9/11, who will want to be in their States on Thursday.

I think it is important that we accommodate their understandable need to be in the States they represent. To do that, we really, out of necessity,

will have to try to finish tomorrow night. I think we can do that.

The managers on both sides have done a very good job of working through the list of amendments we have, and we are prepared to vote on a substantial number of amendments already. If we do that tomorrow, with the assurances given by the majority leader—and there is also one other assurance. It is my understanding from previous conversations that we would be going to another appropriations bill as the next order of business whenever we complete this one. I know there is the outstanding question of when the so-called legislative veto of the FCC rule will occur, but except for that, it is the understanding, I think, on both sides, that we will stay on appropriations bills for the foreseeable future.

Mr. President, it would be my hope that we could begin voting soon to accommodate that schedule. I would like to work with the majority leader to complete our work on time tomorrow night.

I yield the floor.

Mr. REID. Mr. President, while the two leaders are on the floor, I have spoken with Senator BYRD. His amendment has been pending for a long time. He indicated he is ready for a vote now. I wonder when the two leaders wish to begin that first vote. It is on amendment No. 1543, Senator BYRD's amendment. Can we do that?

Mr. DASCHLE. Mr. President, if I understand the regular order, that would be the first amendment. With his cooperation, I see no reason why, at least on our side, we couldn't begin the vote almost immediately.

Mr. FRIST. Mr. President, before we call for the regular order, again, a lot of what we are going over today, tonight, and tomorrow is on good faith that we are going to finish this bill tomorrow night and do everything within our power.

A lot of people say: Why don't you put it in writing; get a unanimous consent agreement. We are not doing that because of this determination and good-faith effort as we go forward.

Before going to the regular order, I ask the managers to make a statement that they understand what the two leaders have said in terms of completion of the bill; that we will start voting here shortly, offering other amendments tonight, stacking votes in the morning, having a full and productive day, and staying here as long tomorrow afternoon or tomorrow night as it takes to complete the bill.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the majority leader and the Democratic leader for their statements. I am prepared to move ahead with the vote on the Byrd amendment. We have Senator DURBIN waiting to offer an amendment.

Mr. REID. Will the Senator yield?

Mr. SPECTER. I do.

Mr. REID. To give people a little bit of notice, Senator DURBIN is going to be one of the four votes tonight. He is going to take 10, 15 minutes to offer his amendment, which is one of the four amendments tonight. As soon as he does that, maybe we can start voting. He needs 15 minutes and the Senator from Pennsylvania needs time to speak in opposition to the amendment.

Mr. SPECTER. Mr. President, that arrangement is satisfactory. I want to be sure we do not go to the vote on Senator BYRD's amendment before we give Senator DURBIN a chance to offer his amendment with a brief reply, if necessary, on this side.

I reiterate, perhaps supplement, what has been said that we are going to be looking for at least six more amendments to debate tonight. We will be discussing with the Members during the votes their intentions, with an effort on all sides to pare down the list to the maximum extent possible.

I yield the floor.

Mr. HARKIN. Will the leader yield?

Mr. FRIST. I am happy to yield to the Senator from Iowa.

Mr. HARKIN. I thank the leader for yielding. I wish to express my thanks to the majority leader, the Democratic leader, Senator REID, Senator MCCONNELL, and, of course, my appropriations leader, Senator SPECTER, for helping to work this out. In good faith, we are going to move ahead on this bill.

I concur with everything our majority leader has said. I believe we can move ahead. I believe we can get these votes in tonight. We can have debate on a number of amendments, and we can stack them for votes in the morning. I see no reason why we cannot finish this bill tomorrow night. I will make every effort to make sure that is accomplished.

Again, I want to make it clear, that after Senator DURBIN offers his amendment and makes his speech, we could then move to four amendments we can vote on quite rapidly. That will be Senator BYRD's amendment on title I, Senator KENNEDY's amendment on Pell grants, Senator DODD's amendment on Head Start, and Senator DURBIN's amendment on global AIDS.

For those Senators who may be watching in their offices right now and their staffs, we are going to move ahead very aggressively on this bill. We have a number of amendments people have contacted me about, stating they want to offer them and on which they want a vote. If Senators want to offer an amendment and get a vote on it, be here this evening and offer that amendment and debate it. We will stack it in the morning because after tomorrow morning, things are going to move pretty rapidly. We know how things go.

I am saying: A word to the wise. If any Senator has an amendment and wants to offer it and wants an up-or-down vote, I respectfully suggest and hope they will come over this evening and offer that amendment so we can vote on it in the morning.

Mr. DORGAN. Mr. President, may I ask the majority and minority leaders, who are in the Chamber, a question about another scheduling item? I understand there is no unanimous consent request pending with respect to this bill, and I understand the desire to finish this appropriations bill. I am a member of the committee and know we have a lot to do, so I am fully supportive of moving ahead and finishing this bill.

As the leaders know, there is a privileged resolution on the calendar dealing with the Federal Communications Commission rules and the resolution of disapproval. I filed that with a discharge petition with 35 signatures. It is bipartisan. We will need time to have a Senate vote on that. This is attendant to a 10-hour period for debate and then a vote on the resolution of disapproval on the rules that the FCC has now developed dealing with broadcast ownership.

These are very controversial. This is a very important issue. I have spoken with both the majority and minority leaders previously about this. I ask the majority and minority leaders if we can expect at some point in the next day or so to set a time so the Senate will know when we will vote on the resolution of disapproval.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, this is, in part, related to the Democratic leader's request about order of business. The Dorgan issue will be brought up at a mutually agreed time, and I think we will have an opportunity to do that this week. Depending on how things go tonight and tomorrow night, that means we have Thursday and Friday which, when we complete the bill tomorrow night, the agreement is we will not be voting Thursday or Friday. I think what we might well consider is doing the Dorgan bill Thursday or Friday. Again, I am a little hesitant because Thursday there is so much going on in terms of ceremonies, although I know we will be in session Thursday afternoon—we will be in session all day—but Thursday afternoon there is a block of time, or Thursday night or Friday. I would like to move to another appropriations bill on either Thursday or Friday. I think we can work that out. We would probably vote Monday night, if that is a reasonable time. We will have other votes Monday night because if we go to an appropriations bill, likely we will have several votes Monday evening.

Mr. DORGAN. Mr. President, it is my intention to be cooperative, and I want to finish the appropriations bill as well. I think we can work in a way that gives the Senate an opportunity to know when the vote will occur. We can find a way to do the debate and give us an opportunity to weigh in on this issue.

Incidentally, it is the Dorgan-Lott proposal. It is bipartisan, with many Members of the Senate from both sides

of the political aisle. What I hear correctly is we probably could get some final arrangements for a vote next Monday evening. That makes great sense to me. Then we can have the debate between now and that period. I am only interested in nailing this down so Senators understand exactly what will happen.

I thank the majority leader for his response.

Mr. FRIST. Mr. President, I believe we are ready to proceed. Thus, I ask unanimous consent that the vote in relation to the Byrd amendment No. 1543 occur at 5:50 this evening, with 15 minutes for Senator DURBIN and 5 minutes for Senator SPECTER, and that there be no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1591 TO AMENDMENT NO. 1542

Mr. DURBIN. At the conclusion of my remarks, I will offer an amendment which I understand will be fourth in order for voting tonight.

I rise today to offer an amendment to fulfill our pledge to the millions of people around the world, in Africa in particular, who suffer from HIV/AIDS.

AIDS is fast becoming the worst plague the world has ever endured. Already, 25 million people have been killed by the disease. These charts have been provided to us by the United Nations World Health Organization. If we will look at these startling numbers, they indicate the number of adults and children newly infected with HIV during the year 2002: 3.5 million in sub-Saharan Africa; 700,000 in South and Southeast Asia; 270,000 in East Asia; 150,000 in Latin America; 250,000 in Eastern Europe and Central Asia. The numbers of newly infected people last year are truly startling.

Take a look at those who are living with HIV/AIDS at the end of the year 2002: 29.4 million in sub-Saharan Africa; 1.2 million in East Asia; 6 million in South and Southeast Asia; 1.2 million in Eastern Europe and Central Asia; almost a million in North America. The numbers are startling.

Then, of course, the mortality tables really tell an equally sad story. The estimated adult and child deaths from HIV/AIDS during the year 2002: 2.4 million in Africa. I know what happens when these numbers are read. Eyes glaze over, minds turn numb, and one thinks, I cannot calculate all of these numbers.

If you had been there, as I and so many of my colleagues have been, to meet with the families who are infected, who understand that they have a death sentence from HIV/AIDS, families who show extraordinary courage every single day getting up and doing their work, realizing they will never be able to afford the medicine necessary to prolong their life, families trying to keep it together with their children for that last moment, realizing their time

will soon come, you would never ever forget it.

The statistics, as I said, may be something that numbs our mind but, frankly, for those who seen it firsthand, as I have, they will never forget it. As parents are dying, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans. Each year, the world loses a population greater than the city of Chicago because of AIDS.

We know how to stop the deaths. In his State of the Union Address, President Bush made a 5-year pledge of \$15 billion to help millions of AIDS sufferers in Africa and around the world in fighting the AIDS epidemic. Listen to what he said:

We can turn our eyes away in resignation and despair, or we can take decisive, historic action to turn the tide against this disease and give hope of life to millions who need our help.

Unfortunately, the President's solid and courageous rhetoric was not backed up by his own budget request. His budget this year falls nearly \$1 billion short of the \$3 billion for the coming year that is needed to meet the 5-year \$15 billion pledge.

Sadly, the President's shortchanging on AIDS will cost lives. The additional \$1 billion we seek to restore today will put 1 million people on treatment and prevent 2.5 million new infections.

In July of this year, Senator JEFF BINGAMAN of New Mexico, a real leader on this issue, asked us to enact a sense-of-the-Senate resolution to tell the world, listening carefully to what we have to say on this issue, what we believe. Senator BINGAMAN offered a very courageous resolution, as follows:

It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels in the Concurrent Resolution on the Budget. . . .

Senator BINGAMAN said we should put \$3 billion into this fight on AIDS as we promised, and he said we should do it even if it violates the budget resolution.

What happened to Senator BINGAMAN's resolution? It passed with 78 Members voting in favor of the resolution.

The Members who stood up and said they are prepared to vote for \$3 billion to fight the global AIDS epidemic include the chairman of the subcommittee on appropriations which brings this bill to the floor, Senator SPECTER of Pennsylvania; the Republican majority leader, Senator FRIST, his assistant leader, Senator MCCONNELL of Kentucky; as well as the Presiding Officer from Georgia. All of these Senators and many more voted in favor of this resolution, saying they were prepared to stand up and vote for \$3 billion to fight for AIDS. In just a few minutes, they are going to have

that chance. They will be able to demonstrate to the world that what they voted for in the Bingaman amendment was more than just posing for holy pictures, that they were in fact prepared to cast the vote even if it broke the budget resolution because the AIDS epidemic was that powerful and that overwhelming.

With those 78 votes, this Durbin amendment should pass easily. Maybe I do not even need to complete my speech, but on the off chance that some of my colleagues might be thinking of changing their minds—having voted for the Bingaman resolution and now given a chance to actually vote for the money, decide they want to vote the other way—let me tell them why they should not. Remember what the President himself said:

We care more about results than words. We're interested in lives saved.

Now is our opportunity to go beyond words and fulfill the pledge the President made in his State of the Union Address and the pledge we made in the Senate this last July. Keeping our promise and fighting against AIDS is in America's interest. AIDS is not just a humanitarian crisis, it is a security crisis. Living up to President Bush's promise on AIDS is important for showing the world we will keep our commitments.

As the CIA Director recently said when asked is AIDS a security issue, Director Tenet said: You bet it is. With more than 40 million people infected right now, a figure that by 2010 may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa. As this disease spreads, it unravels social structures, decimates populations, and destabilizes nations around the world.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by the year 2010.

AIDS is particularly devastating to national armies around the world that ensure the stability of their nations. In South Africa, according to the Rand Institute, some military units have infection rates as high as 90 percent. Keeping our promise on AIDS to the world is not only the compassionate thing to do, it is the smart thing to do in terms of national security as well.

Today, we have a chance to change the course of the AIDS pandemic by providing \$3 billion, as promised, in the next fiscal year. The amendment I am putting forward would close the gap between the rhetoric of our promise in the State of the Union Address and our 78 votes on the Senate floor and the real needs of AIDS sufferers by fully funding the \$3 billion. The amendment provides \$939.7 million to close the gap and fully fund this \$3 billion pledge.

The stakes could not be higher. Let me quote Majority Leader FRIST who said recently:

History will judge whether a world led by America stood by and let transpire one of

the greatest destructions of human life in recorded history or performed one of its most heroic rescues.

Senator FRIST is right. In just a few moments, with the Durbin amendment, on a bipartisan basis, we can say to the world we will not stand idly by and make budgetary excuses about an epidemic that threatens our world; we will come to the rescue as we promised.

Instead of fulfilling this pledge, unfortunately, the White House is claiming that the full amount cannot be spent in the next year. All the leading development organizations and medical authorities have rejected this White House claim. This week in Roll Call, a newspaper on Capitol Hill, all—and I underline “all”—of the leading relief and development organizations in the United States placed an ad endorsing the fact that the full \$3 billion could be well spent. Don't fall for the argument: That \$3 billion, they won't know what to do with it.

The fact is, there are ample opportunities to stop the spread of AIDS right now. There are not enough funds available, and \$2 billion does not meet the global need. By putting in the full \$3 billion we promised, we will save lives. By not appropriating that money, lives will be lost, more people affected, and more AIDS orphans to populate this troubled world.

The White House is also ignoring the capacity of the Global Fund to fight AIDS, TB, and malaria, the most effective tool we have to beat AIDS. The Global Fund that is chaired by the Secretary of Health and Human Services, a member of President Bush's Cabinet, Secretary Tommy Thompson, is scaling up successful programs on the ground in Africa and is working to stop the wave of the pandemic in India. It needs hundreds of millions of dollars this fall to fund the grant applications which they know will work to slow down the spread of AIDS.

The White House should not forget the extraordinary needs of AIDS orphans. According to a soon-to-be-released report by the Earth Institute at Columbia University, orphans and vulnerable children need \$15 billion each year for basic health, education, and community services. The Global HIV Prevention Group found that AIDS prevention spending falls \$3.8 billion short of what is needed by 2005. Although we can spare the lives of babies with AIDS for the price of a Sunday newspaper in the United States, only 5 percent of the women at risk have access to medication to prevent mother-to-child transmission.

I say to my 78 colleagues who voted for the Bingaman amendment just a few weeks ago, understanding that to meet the \$3 billion funding request might cause us to go beyond the allowed amounts in the budget resolution, you, including my friend from Pennsylvania, who is the chairman of this subcommittee, voted in the affirmative and said you understood the seriousness of this challenge. You were

prepared to take an extraordinary step on the floor of the Senate for an extraordinary challenge which faces the world.

Have they forgotten? Will the rollcall reflect political amnesia on the part of my colleagues or will they stand strong and stand tall for the position that they took not that long ago when we voted on this Bingaman amendment just a few weeks back?

I hope they will join me and commit to fully funding the \$3 billion to fight AIDS. We have a unique chance to change the future and save lives. It is in our hands.

Today, a 15-year-old boy in Botswana faces an 80-percent chance of dying of AIDS. I have been to Botswana. This wonderful country unfortunately has a clouded future because of the specter of AIDS which hangs over it today. If we act now, we can change the future for these children before it is too late. I beg my colleagues in the Senate, please look beyond the sterility of this budget resolution. Look in your heart and realize, as Senator FRIST has said, we cannot stand idly by. We cannot make procedural arguments. We cannot find any comfort or refuge in some procedural element that suggests maybe we can't afford it. We know better.

We voted with Senator BINGAMAN. I hope my colleagues will join me in voting for this amendment.

I ask unanimous consent Senator MURRAY be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I don't know if it is appropriate now to ask that the amendment be read by the clerk?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, and Mrs. MURRAY, proposes an amendment numbered 1591.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the prevention, treatment, and control of, and research on global HIV/AIDS)

At the appropriate place, insert the following:

SEC. _____. For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated in this Act and under the heading “Global AIDS Initiative” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, \$939,700,000, to remain available until expended: *Provided*, That funds appropriated under this section that are made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall be made available in accordance with sections 202(d)(1) and 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuber-

culosis, and Malaria Act of 2003 (Public Law 108-25): *Provided further*, That if the President certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the funds provided under this section can not be effectively used to implement HIV/AIDS prevention or treatment programs or programs that improve health care infrastructure to more effectively deal with the HIV/AIDS pandemic, then the funds provided by this section shall be returned to the Treasury: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,834,899,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,843,601,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, \$330,000,000 shall not be available for obligation until September 30, 2004.

Mr. DASCHLE. Mr. President, I rise in strong support of the Durbin amendment regarding the global AIDS fight. I commend Senator DURBIN for his brave leadership on this issue.

Less than 4 months ago, the President signed into law a bill authorizing his administration to spend \$3 billion for the next 5 years on a comprehensive program to combat AIDS. Congress passed this legislation in response to the President's call for action in his State of the Union address. Legislators on both sides of the aisle commended the President for his leadership and vision in recognizing the need to launch a major offensive against the spread of a disease that has already killed 25 million people worldwide, and infected 42 million more.

Unfortunately, President Bush's call to action proved to be nothing more than empty rhetoric. Despite Congress's commitment to combating AIDS, President Bush's own budget request has fallen far short of his promises, seeking under \$2 billion, more than \$1 billion less than what he is authorized to spend.

President Bush argues that the full \$3 billion amount cannot be invested effectively in the fight against HIV/AIDS, citing the lack of administrative infrastructure in Africa and other regions plagued by the disease. He says that he does not believe Africa and Asia can absorb so much in the way of resources for the fight against AIDS.

I wholeheartedly disagree. I traveled to Africa last summer and visited with health care workers and their patients at Africa clinics in South Africa, Botswana, Nigeria, and Kenya. I saw the overwhelming positive impact of voluntary counseling and testing programs on women in Soweto and Nairobi and Kasane. Those who test positive are taught to prevent the virus's spread, and those who test negative are taught to stay virus-free. I saw how Nevirapine can save a child's life when it prevents mother-to-child transmission of the virus. I saw what we in the United States now consider a standard course of anti-retroviral drugs rescue an AIDS-ridden man from the virtual throes of death.

My trip to Africa showed me clearly that what Africa needs to fight AIDS is

not fewer resources, but more. I believe that the \$3 billion Congress has authorized not only can be spent, but is desperately needed.

First, the Global Fund to fight AIDS, TB and malaria assures us it can put millions of dollars of additional resources to critical use immediately. Moreover, as the President argued in France earlier this spring, additional investments in the Fund from the United States will pressure our friends in Europe and Asia to contribute their fair share to this fight.

Second, additional resources can dramatically expand the remarkable training programs the United States runs through the CDC, NIH, and USAID, particularly in those countries not included in the President's Emergency Plan for AIDS Relief covered, so that we can jumpstart our efforts to improve health infrastructure in those countries already struggling with HIV/AIDS—and those, like India, we know soon will be.

Third, we ought to vastly expand education programs in schools and universities throughout Africa, Asia, and Eastern Europe, increase the voluntary counseling and testing centers that have already helped thousands of AIDS-positive men and women, and expand the work of those centers to provide treatment for those who need it. As the Washington Post reported recently about local women overturning that country's tradition of the sexual healer, women armed with information and options will halt the transmissions of this deadly disease.

It's easy to become overwhelmed by the sheer magnitude of the problem. Misinformation and misguided traditions exacerbate this crisis and absolutely must be addressed. But there are thousands of public health experts and community leaders across Africa and Asia who understand the problem and are ready to take these concrete steps to save millions of lives—if they only had the resources. We cannot hide from the fact—nor should we want to—that if we make an investment now, we have the opportunity to avoid a tragedy of far greater proportions. For example, since the President's historic announcement in January, new studies have found what we feared may be the case—the epidemic is moving with a vengeance into huge population centers like India, where U.S. HIV/AIDS assistance remains inadequate—and we remain unprepared.

Senator DURBIN's amendment will restore AIDS funding to the full level authorized in this chamber earlier this year. It says, very simply, that we will fulfill our promise. I commend the Senator for his commitment to seeing the U.S. lead the world in this essential fight, and I encourage my colleagues to cast their votes for saving lives.

Mr. LAUTENBERG. Mr. President, I rise to offer my overwhelming support for Senator DURBIN's amendment on AIDS funding, of which I am a co-sponsor. I urge my colleagues to vote on

this matter based on principle rather than politics. This amendment does nothing more than fulfill President Bush's promises to the international community that he made this year in his State of the Union Address.

In January, President Bush called on Congress to increase U.S. funding for global anti-AIDS work to \$15 billion. In the spring, he signed a bill authorizing \$15 billion over the next 5 years. And he spoke often of this comment during his recent trip to Africa, the continent hardest hit by the AIDS plague.

But while the President signed a bill to authorize this important and critical cause, he failed to appropriate adequate funding for it. While signaling his intent to help deal with the global AIDS crisis, he did not back his intentions with actions.

Senator DURBIN's amendment holds the administration's feet to the fire. It will fully fund the \$3 billion authorized to combat HIV/AIDS in Fiscal Year 2004. This should be an easy vote for my colleagues, who seemed to support the AIDS authorization bill in May.

Some of my colleagues have registered concern that we cannot fully appropriate funding this year to the authorized level because the necessary humanitarian and non-governmental organizations would not know how to handle so much money so soon. With all due respect, this is just not accurate.

The Global Fund to Fight AIDS, Tuberculosis, and Malaria, which was established with support by this administration, is inundated with applications for international AIDS/HIV treatment, vaccination, and public education projects that cannot even be read because of the scarcity of funds.

AIDS killed 2.5 million Africans in 2002. Current infection rates in Africa, Asia, Central Europe and elsewhere are staggering. I urge my colleagues to recognize the awesome responsibility they hold to save lives and to support this amendment.

Mr. LEAHY. Mr. President, I strongly support this amendment, of which I am a cosponsor, and I commend my friend from Illinois who has been so passionate, and so relentless, in seeking additional funding to combat AIDS.

Senator DURBIN has been carrying on this fight for several years. He has offered amendment after amendment. He has urged the White House to declare AIDS an emergency, which we all know that it is. And time and again he has been opposed, by the White House and some in the Congress. I hope that does not happen again today.

This debate is not about whether AIDS is a catastrophe of historic proportions. It is not about whether it is the worst public health crisis in history. There is no dispute that 15,000 people are becoming infected with this deadly disease each day, that over 42 million people are already infected, and that over 25 million people have already died.

Nor is this debate about what needs to be done. We know what types of pre-

vention programs work, and that it depends on the culture and practices in each country. We know that only a tiny fraction of people infected are receiving treatment, and that care often amounts to nothing more than a hospital bed, if that.

We know that in many countries, where the infection rate is increasing and where there are already millions of AIDS orphans, faith-based and other private voluntary organizations are working around the clock, with nowhere near the staff or resources they need.

There are countless examples of grandmothers struggling to care for a dozen orphaned grandchildren, or children as young as 9 years old caring for their younger siblings.

We know that no country is immune, and that the number of people infected is increasing exponentially, especially in Asia.

We also know that people infected with HIV often succumb to tuberculosis, which is rampant in many countries, including drug resistant TB. And we know that malaria kills 1 million people each year, mostly African children. Many of these deaths could be prevented. An estimated 500 million people get sick from malaria each year.

Again, this debate is not about any of that. Rather, it is about whether the United States should spend \$2 billion in 2004 to combat AIDS, tuberculosis and malaria, or \$3 billion.

Earlier this year, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis. I commend him for that, and for going to Africa, where he highlighted the suffering caused by AIDS there.

President Bush has shown real leadership on AIDS, although Senator DURBIN and I and others have been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized \$15 billion over 5 years. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take AIDS seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing a check without enough money in the bank.

The President's budget for 2004 contains only \$2 billion of the \$3 billion we authorized for AIDS.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to \$1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For 2004, the President only budgeted \$200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of \$150 million from what was appropriated last year.

There is another problem. While the President's 2004 budget for Foreign Operations includes approximately \$1.3 billion to combat AIDS, TB and malaria, it robs Peter to pay Paul to pay for increases in these programs. The President's budget would cut other essential global health programs.

Child survival and maternal health programs would be cut by 12 percent. These are the programs that provide lifesaving child immunizations. They help to prevent the 600,000 pregnancy-related deaths each year that could be avoided. The President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles, SARS, or ebola, by 32 percent. Measles kills 1 million children not 100,000 or 200,000 but 1 million children a year. Again, this disease is easily preventable.

These are not my numbers; these are the administration's numbers. These numbers are in the President's budget.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to fight AIDS. It is the same with child nutrition. It is the same with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Senator MCCONNELL and I were able to restore the funds for these other global health programs. In fact we increase funding to combat other infectious diseases, and to support child and maternal health. But because of that, we did not have additional funds to fight AIDS. That is why we need this amendment.

Senator DURBIN's amendment builds on an amendment in July by Senator BINGAMAN to the State Department Authorization bill. That amendment, which passed 78-18, called for full funding—\$3 billion—for the first year of the President's \$15 billion AIDS initiative, even if it means exceeding the budget ceilings.

His amendment would provide an additional \$984 million that we already authorized. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment. Senator DURBIN's amendment would do it.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start doing what we say.

We are spending over \$4 billion each month in Iraq. This amendment would provide an additional \$1 billion for the year to combat the worst health crisis in world history. Americans are threatened with AIDS not just in this country, but every time they travel abroad.

I have traveled to Africa, to Haiti, to Vietnam and China, to Central Europe

and the former Soviet Union. I have seen how AIDS is ravaging those countries.

In all my travels, and in all my conversations with the leaders of those countries and with public health experts—from the Gates Foundation, to USAID, to the World Health Organization, to the directors of America's public health institutions, to the private voluntary and faith based organizations doing the work in those countries, I have never met anyone, no one, who believes that the additional funds provided by this amendment could not be well spent.

No one who works in the field or AIDS prevention and treatment, or TB or malaria, who I have spoken to, believes that we do not need these additional funds. We need them now, not a year from now.

The White House argues that \$3 billion could not be spent effectively in combating AIDS in the 14 countries where it plans to focus. They may be right, but that is not what the United States Leadership Against AIDS, TB and Malaria Act says. Why limit our efforts to 14 countries, when 5 times that many countries are being ravaged by these diseases? Why ignore the other two dozen countries in Africa, or Russia, or China or India where AIDS is spreading out of control? It makes absolutely no sense. It is a false argument.

Fighting AIDS is not about 14 countries. There are dozens of countries that need help, and if there are not enough trained people or infrastructure, we should help build that capacity. We should train more people and provide the vehicles, the testing equipment, the drugs, to carry out effective prevention and treatment programs. Ask anyone working in public health in those countries, and they will tell you what needs to be done.

I really cannot understand the White House's argument. It is not based on fact. It is not based on reality. It is not based on public health.

Is it because they don't want to spend the money? We are paying far more today to fight AIDS than if we had faced up to this disease back when it was just beginning. We wasted two decades, and 25 million people died, in part because we and others failed to act. We will spend far more tomorrow if we do not do what is needed today.

That is what this amendment does. I commend the Senator from Illinois. I urge the White House not to oppose this amendment. I urge the majority leader to support it. He recently traveled to Africa and saw the same tragic consequences of AIDS that many of us have seen there. We need to work together. Let's not make the same mistake again.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. It is my understanding I have control of the time until 15 minutes before 6, and I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator has 2 minutes remaining. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I support the Senator and his amendment. There are certain things in life, if we apply our efforts, our research, our development, our technology, we can ultimately lick. One of them that, of course, we are working real hard on is cancer. One of them, another big killer, is heart disease. And clearly the plague of AIDS is one of them.

I support the Senator and thank him for bringing this amendment to the floor.

At the appropriate time I would like to address another amendment with the manager.

I yield the floor.

Mr. DURBIN. Mr. President, in the remaining few seconds I have under the unanimous consent agreement, I urge my colleagues on both sides of the aisle to help us. We heard from the President the other night. We need to rally as a nation to put up our resources where we made our commitment in Iraq. We made a commitment, as well, through the President and through the Senate, to deal with the global AIDS crisis.

Frankly, I think it would be difficult for us to explain how we can find \$87 billion in Iraq and not find the \$3 billion that the President promised to the world, and we in the Senate stood behind him by a vote of 78 in favor to support. This will be our chance to do it.

When we do it, we will be able to look back at this moment as not only doing the right thing, but doing something very important for generations to come.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, I request of the manager of the bill I be given some opportunity to speak on another amendment, but at his pleasure. I will speak whenever he would prefer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if I may respond to the Senator from Florida, we are now moving ahead to the 5 minutes on my time, in response to the Senator from Illinois. We are then going to proceed to four votes. But we will be here following those votes. We are looking for amendments, and we will put the Senator from Florida first on the list following the votes.

Mr. NELSON of Florida. I thank the Senator.

Mr. SPECTER. Mr. President, I ask unanimous consent that immediately following the vote in relation to the Byrd amendment, the Senate proceed to a vote in relation to the Kennedy amendment, No. 1556, to be followed by a vote in relation to the Durbin amendment, No. 1591; further, that no amendments be in order to the mentioned

amendments prior to the votes. I also ask unanimous consent there be 2 minutes equally divided for debate prior to the second and third votes in sequence. And, finally, I ask unanimous consent the last two votes in this sequence be limited to 10 minutes each.

I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we think this is a tremendous step forward. However, we are trying to get a fourth vote as the two leaders have requested. Both of those amendments are those by the Senator from Connecticut, the senior Senator from Connecticut: one dealing with Head Start and one dealing with special education. The one on Head Start he has not offered yet, but he wanted to do that tonight. There was a time period—we were told we could not do that because there was a second-degree amendment. We next come to the special education amendment, No. 1572. We are told the same thing.

We are in good faith trying to move this bill. But we can't be expected to meet the impossible. We have waited here a couple of days trying to move this stuff forward. We come up with amendments and people say we can't let you do that one. We are doing our best to meet the suggestion of the Senator from Tennessee, the majority leader. We asked Senator DODD, and he has agreed to do it in 20 minutes evenly divided—Head Start.

Mr. DODD. Reserving the right to object, Mr. President, I was just informed of a different proposal than I was operating under when I had the discussion with the distinguished minority whip and the ranking member of the chair of the committee. If you will give me 2 minutes to resolve the conflict, which

of these matters should be dealt with tonight or tomorrow, we could come right back to this. I am sure we will get an agreement. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor and cannot suggest the absence of a quorum. Is there objection?

Mr. REID. There is no objection at this point to the unanimous consent request. We hope we can add to it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe in short order we will be able to work out an additional portion of the unanimous consent for the vote on the Head Start amendment.

Mr. DODD. I hope so, yes.

Mr. SPECTER. We will sequence that prospectively fourth in line for another 10-minute vote. The expectation is there will be a short time for debate, expected to be 10 minutes equally divided.

Mr. DODD. Something like that.

Mr. SPECTER. We can work that through in just a few moments.

Mr. REID. We can announce that prior to the next vote beginning.

Mr. SPECTER. We can.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, inquiry: Do I now have 5 minutes to respond to the Durbin amendment?

The PRESIDING OFFICER. The Senator has 1 minute 18 seconds remaining.

Mr. SPECTER. Mr. President, I agree a great deal with what the Senator from Illinois has said about funding on HIV/AIDS. Just a few months ago, the Senator from Illinois and I offered an amendment of \$700 million on the for-

eign aid bill. Before it became generally recognized that there should be major U.S. appropriations for AIDS, the President included in his State of the Union speech a program for \$15 billion. As much as I would like to see another \$900 million-plus added, we simply do not have it in the budget resolution. We are now up to the amount of \$137.6 billion in the budget resolution and in the allocation.

I think it is important to note that we have in this bill in excess of \$14 billion.

I ask unanimous consent that a table be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL HIV/AIDS FUNDING

[Dollars in thousands]

	FY 2003 final	FY 2004 request	FY 2004 Senate
CDC Global AIDS Program	\$142,569	\$143,763	\$142,569
CDC Int'l Applied Prevention	11,000	11,000	11,000
Mother-To-Child Transmission	40,000	150,000	90,000
Global Fund for HIV/AIDS	100,000	100,000	150,000
Bilateral TB and Malaria	15,000	15,000	15,000
NIH Global AIDS research	252,300	274,700	274,700
Global AIDS in the workplace	10,000	.....	10,000
Total	570,869	694,463	693,269

TOTAL HIV/AIDS FUNDING IN THE FY 2004 SENATE LABOR-HHS BILL

[Dollars in thousands]

Health Resources & Services Administration	\$6,996
Centers for Disease Control & Prevention	932,189
National Institutes of Health	2,869,858
Substance Abuse & Mental Health Services	171,774
Agency for Healthcare Research & Quality	1,800
Office of the Secretary	63,113
Global Fund for HIV/AIDS	150,000
Ryan White CARE Act Programs	2,041,599
Total Discretionary Including Ryan White	6,237,329
HIV/AIDS Services in Medicare and Medicaid	7,800,000
Grand Total in Labor-HHS bill	14,037,329

[In thousands of dollars]

Program	FY 2003 ap- propriation	FY 2004 bud- get request	FY 2004 Sen- ate
Subcommittee—Foreign Operations:			
Child Survival Assistance for bilateral programs	591,500	650,000	500,000
Other Economic Assistance	38,500	40,000	50,000
Bilateral Malaria & AIDS	105,000	105,000	105,000
State Department Global AIDS Initiative ¹ .....	.....	450,000	700,000
Global Fund Contribution	250,000	100,000	[250,000]
Other	2,000	1,500	2,000
Total Foreign Operations	987,000	1,346,500	1,357,000
Subcommittee—Labor-HHS:			
CDC Global AIDS program	142,569	143,763	142,569
CDC Mother to Child Transmission	40,000	150,000	90,000
CDC International Applied Prevention Research	11,000	11,000	11,000
NIH International Research	252,300	274,700	274,700
DOL AIDS in the workplace	10,000	.....	10,000
Global Fund Contribution from NIH	100,000	100,000	150,000
CDC Malaria & Tuberculosis	15,000	15,000	15,000
Total Labor-HHS	570,869	694,463	693,269
Subcommittee—Defense: DOD HIV/AIDS education w/African Armed Forces	7,000	.....	.....
Subcommittee—Agriculture: Section 416(b) Food Aid	25,000	.....	.....
Total—All Subcommittees	1,589,869	2,040,963	2,050,269

¹ Includes up to \$250 million for Global Fund.

Total to Global Fund is \$400,000,000 (\$250 million from Foreign Ops & \$150 million from NIH).

Mr. SPECTER. Mr. President, we have an additional \$4 billion from other Departments.

I ask unanimous consent that a chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIV/AIDS PROGRAM LEVEL 2002–2004

[Dollars in millions]

	2002	2003	2004
HHS:			
HHS Discretionary	\$5,789	\$6,130	\$6,390
Medicaid (Federal Share)	4,200	4,700	5,200
Medicare	2,050	2,350	2,600

HIV/AIDS PROGRAM LEVEL 2002–2004—Continued

[Dollars in millions]

	2002	2003	2004
Sub-Total, HHS	12,039	13,180	14,190
All Other Government:			
Social Security—DI	961	985	1,014
Social Security—SSI	390	410	430
Veterans Affairs Department	391	396	402

HIV/AIDS PROGRAM LEVEL 2002–2004—Continued
(Dollars in millions)

	2002	2003	2004
Defense Department	96	78	88
Agency for International Development	510	740	790
Justice/Bureau of Prisons	16	17	19
State Department	0	0	459
Labor Department	11	1	1
Education Department	0	0	0
Housing and Urban Development	277	292	297
Ofc. Personnel Mgmt.—FEHB	297	321	343
Sub-Total, All Other Government	2,949	3,240	3,834
Total, HIV/AIDS	14,988	16,420	18,024

Mr. SPECTER. Mr. President, we are making enormous strides with some \$19 billion. Much as I would like to see another sum added, we simply do not have the money in our resolution.

I refer to a letter from Dr. Joseph O'Neil, Director of the Office of National AIDS Policy, to Senator FRIST dated July 17 specifying—and I will not take the time to read it now—that the \$2 billion on this particular program is all that can be usefully expended.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 17, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of \$2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including \$200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing \$15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for \$2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increased each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's FY 2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

Dr. JOSEPH F. O'NEILL,
Director, Office of National AIDS Policy.

Mr. SPECTER. Mr. President, I ask unanimous consent that following the last stacked vote in this sequence, Senator DODD be recognized to offer an amendment relating to Head Start; there be 10 minutes equally divided for debate in relation to the amendment; further, that following the debate, the Senate then proceed to a vote in relation to the Dodd amendment, with no amendment in order to the amendment prior to that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1543

Ms. MIKULSKI. Mr. President, I rise in support of the Byrd amendment to fully fund title I. America's strength is our opportunity ladder. One of the strongest rungs on the ladder is our public schools. Education is what gives parents hope for their children. That is why it is so important to continue our commitment to improving public schools.

When Congress passed the No Child Left Behind Act, we placed the burden on schools to improve. It is a worthy goal—but it will be a difficult task. We knew this when we passed No Child Left Behind, and so we promised to give schools adequate resources. Yet only 1 year later, the Senate Labor, Health and Human Services, and Education bill falls far short of our commitment to providing the resources needed to make the reforms work. I have heard from teachers and parents from all over Maryland. They all tell me that they are worried about whether their school will make the grade. They are worried about how they're going to meet all the requirements in No Child Left Behind—especially in this time of budget cuts and budget crunches.

This bill shortchanges our schools and our students. I am concerned that we have lost track of what America stands for—empowerment, hope, and opportunity. Instead of funding for our schools, this Congress passed a tax cut for the rich. And guess what? The tax cut left us shackled. It left us with no money in the Federal checkbook for education.

That is why I am proud to cosponsor this amendment, which would provide an additional \$6.15 billion for title I. Title I is vital to the success of No Child Left Behind. Reforms without resources is a hollow opportunity. Fully funding title I will help our Nation's poorest schools hire more teachers, buy more computers, and implement the kind of reforms they need to improve student achievement.

There is a lot of talk about leaving no child behind. Yet today we are still fighting to make sure our children go to good schools with good teachers and up-to-date books and facilities. The No Child Left Behind Act will be a hollow promise if we don't match our rhetoric with resources. That is why this amendment is so important. We must make sure no child is left out of the budget. I urge my colleagues to vote for the Byrd amendment.

Mrs. CLINTON. Mr. President, I support the Byrd amendment, which provides \$6.15 billion in additional funding for title I grants.

Two years ago, we promised school districts that they would have the resources they needed to meet new standards mandated by the Federal No Child Left Behind Act.

As it stands, this bill fails to adequately, fund title I—the cornerstone of No Child Left Behind, NCLB. In fact, it provides \$6.15 billion below the amount promised to school districts for fiscal year 04.

This funding level in this bill is even \$334 million below the increase that was slated for title I in the budget resolution for fiscal year 04.

Children are failing in many of our schools in all of our states. These children need extended learning time. They need instruction from high-quality teachers and they need to learn in smaller classrooms.

The Byrd amendment gives schools the resources they need so that they can create the best possible condition in which all teachers can teach and all children can learn.

Today, 23.3 percent of all children in New York are living in poverty, more than all but six other States.

The proposed appropriation in this bill fails to meet the need for more resources for these children. As a result, 458,745 eligible New York children would not be fully served and will consequently be left behind.

Funding title I at its NCLB-authorized level of \$18.5 billion would provide New York with \$682,595,000 more than the current proposal.

Title I grants help school districts in all State pay for tutoring instruction, specialized services, class size reduction and other critical support services to help the neediest of all children achieve high standards.

With this funding, New York school districts can hire up to 13,379 teachers to reduce class size and provide specialized instruction in math and reading aimed at helping these needy children meet state standards.

The impact of the proposed funding level is especially felt in key cities across New York State. Without the resources provided by this amendment, 243,803 eligible children in New York City, 2,902 children in Albany, 15,222 in Buffalo, 7,362 in Syracuse and 5,887 children in Yonkers will not be fully served. These children will be left behind.

Securing these additional funds could enable districts to hire an additional 72

teachers in Albany, 385 in Buffalo, 7,862 in New York City, 312 in Rochester, 164 in Syracuse, and 159 teachers in Yonkers.

If we expect every single child to succeed there should be no exception to our commitment to turning around struggling schools. This amendment will reaffirm our commitment by giving schools the resources they need so that teachers can teach to the highest standards and all of our children can learn.

I urge my colleagues to support this amendment.

Mrs. LINCOLN. Mr. President, I rise today to speak in support of the amendment of my colleague from West Virginia to increase funding for the title I program by \$6.15 billion. By bringing the total up to \$18.5 billion, title I would be funded at the level authorized in the No Child Left Behind Act for fiscal year 2004.

The title I program is critical for disadvantaged students because it targets federal resources to the poorest school districts where Federal dollars are needed most.

In my State of Arkansas, this funding is crucial because 67 percent of students attend title I schools. These schools depend on these important funds to upgrade technology, provide professional development for teachers, and implement school-wide programs.

Like dozens of other States today, Arkansas is currently experiencing a serious budget crisis at the same time the State is expected to meet the new requirements we imposed in No Child Left Behind.

To make the situation even more challenging for my State, the Arkansas Supreme Court ruled last November that the current funding level for education in Arkansas is inadequate and that the distribution of funding is inequitable. The AR Supreme Court gave the state until Jan. 1, 2004 to comply with its order.

Arkansas is not alone. States all across the country are facing similar financial woes, which means title I funding is more important than ever.

Like title I, additional funding for IDEA is also critical to students and school districts in my State. I hear more complaints from constituents about the Federal Government's failure to meet its obligation under IDEA than any other Federal education program.

Even though Congress has increased funding for IDEA in recent years, the funding level in this bill falls far short of the promise we made in 1975 to pay 40 percent of the costs of providing a quality education to special needs students.

Currently, IDEA is an unfunded mandate, which is profoundly unfair to school districts, teachers, and the students they serve. I am disappointed that an amendment offered last week by Senator DAYTON to fully fund IDEA in fiscal year 2004 was not adopted.

For the sake of the students who depend on the services provided under

IDEA and the educators who are responsible for implementing the law, I am hopeful the Senate will have another opportunity to consider full funding either on this legislation or another bill before Congress adjourns this year.

We also need to pass meaningful legislation that will encourage more students in Arkansas and the Nation to pursue a college education. I think that promoting post-secondary education is an essential element of any effort to prepare our workforce to meet the demands of today's global marketplace.

I also believe we should continue to build on our success regarding Federal student financial assistance. That is why I am pleased to support an amendment to this bill by Senator KENNEDY that would increase student financial aid in fiscal year 2004 by \$2.2 billion, which is essential to keep up with the growth in college costs.

One of the most worthwhile financial assistance programs is the Pell grant. Since its inception in 1972, students nationwide have received enormous benefits from Pell grants, so I think we need to continue to make a larger investment in this area. The higher education funding amendment would increase the maximum Pell grant by \$450, which would give close to 2,000 more Arkansans access financial assistance for higher education.

This higher education amendment also includes additional funding for the TRIO programs, which are particularly important to Arkansas. The TRIO programs are designed to help low-income, first-generation college students prepare for, enter, and graduate from college. While student financial aid programs help students overcome financial barriers to higher education, TRIO Programs help students overcome class, social and cultural barriers. Considering Arkansas has one of the lowest percentages of residents with a four-year college degree, the more than 50 TRIO programs currently serving participants in my state provide a critical source of encouragement and support to thousands of students who might otherwise never receive their college degree.

As many of my colleagues know, for the last 3 years I have circulated a sign-on letter with the Senator from Maine to increase Federal support for the TRIO programs. Our goal is to increase the population served under these programs from 6 percent to 10 percent of eligible students. By passing the Kennedy higher education amendment, we would be making a significant downpayment on that goal.

Nearly 40 percent of the children in this country attend rural schools. These schools face enormous challenges such as teacher recruitment and retention and small student populations.

I am extremely disappointed that the Senate rejected an amendment that I supported which would have fully fund-

ed the Rural Education Achievement Program, REAP. This program recognizes the unique needs of small and rural schools while ensuring accountability. It provides essential funding that many of these schools rely on because they lack the personnel and resources to apply for competitive grants.

Last year, well over half of Arkansas' school districts received approximately \$5.6 million in total funding under this program to help meet critical educational needs. And this funding is needed now more than ever as schools strive to meet the new accountability measures of the No Child Left Behind Act.

I want to close my remarks by emphasizing my strong belief that education can be and must be a high priority for our Nation.

I was proud to support a bold reform plan for our Nation's public schools a few years ago because I believe firmly that every child deserves a chance to receive a quality education regardless of where they live or go to school.

The approach I supported created a new contract between the Federal Government and local school districts—more funding and flexibility for public schools in return for greater academic achievement for all students.

I said at the time that additional funding and reform go hand in hand—you can't have one without the other and expect to succeed.

As many of the accountability requirements of No Child Left Behind take affect, it is critical for Congress to meet its obligation to provide schools and students with the resources they need to meet higher standards.

I hope my colleagues will rise to the occasion during consideration of this bill and deliver on the promise of equal opportunity for all students.

My greatest fear is that we won't meet our obligations to our children in this bill. In the years ahead, our children will provide the workforce and leadership for our nation. Indeed, our children are our future. We don't have the luxury of waiting to fund these programs adequately at some undetermined time in the future. We should fulfill our responsibility today.

Mr. SPECTER. Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits in this section and, therefore, is not in order; that is, as to the Byrd amendment on which we are about to vote.

The PRESIDING OFFICER. Under the previous order, the Byrd amendment is now pending.

Mr. REID. Mr. President, under the applicable statutes, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) the Senator from Massachusetts (Mr. KERRY) the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas, 44, nays, 51, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—44

Akaka	Dodd	Levin
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	

NAYS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1566

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Kennedy amendment No. 1566.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

There are 4.8 million young Americans who take advantage of the Pell Program. That is \$4,050. The average cost of public university tuition has increased 10 percent. This amendment effectively provides the \$2.2 billion that will increase the Pell grant to \$4,500. That is an increase of 10 percent. Without this kind of increase, more than

100,000 students who have been admitted to colleges on the basis of merit will drop out. There is no question about it; this amendment is about opportunity. It is about hope. It is about the future of America. I hope the Senate will accept it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt that the Pell grants are very important. We have increased Pell grants in the past decade, almost doubling them. And while I would like to see more money in this education budget and fought to have a greater allocation, we simply do not have it within the budget resolution to appropriate any more money. With respect to the higher education items, there is very substantial funding in TRIO, GEAR UP, Perkins, and other education programs. So as much as I would like to see this appropriation, we simply do not have the funds in the budget resolution or in the allocation of the subcommittee.

I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits in this section and therefore is not in order.

Mr. KENNEDY. Mr. President, I move to waive section 504 of the concurrent resolution for the purpose of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be to be a sufficient second.

Mr. SPECTER. Mr. President, this is a 10-minute vote.

The PRESIDING OFFICER. This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—49

Akaka	Carper	Dorgan
Baucus	Clinton	Durbin
Bayh	Coleman	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Harkin
Boxer	Corzine	Hollings
Breaux	Daschle	Hutchison
Byrd	Dayton	Inouye
Cantwell	Dodd	Jeffords

Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln

Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid

Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—46

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Specter
Campbell	Gregg	Stevens
Chafee	Hagel	Sununu
Chambliss	Hatch	Talent
Cochran	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1591

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate evenly divided prior to a vote on the Durbin amendment No. 1591.

Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, my colleagues will remember the President's State of the Union Address, during which \$15 billion over 5 years was pledged to fight global AIDS.

This bill only provides \$2 billion. When Senator BINGAMAN offered his amendment on the floor on July 10, by a vote of 78 to 18, we said we want it to be \$3 billion regardless of the budget resolution; 45 Democrats and 33 Republicans voted for \$3 billion in spending. It can be spent. Every major organization has come forward and said the need is there, the need is now.

To my friends on the other side of the aisle, including the chairman of the subcommittee, who voted for the Bingaman resolution, if 33 Republicans will step forward today as they did July 10 for the same proposition, we guarantee our 45 Democratic votes will be there with you. Let's pass this resolution and keep our promise to fight the global war on AIDS. Stand behind President Bush's promise of \$3 billion.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Illinois on the importance of fighting HIV/AIDS. A few years ago, Senator DURBIN and I joined together on an amendment for \$700 million before there was a general recognition of the importance of U.S. funding on AIDS and even before the President made his speech committing some \$15 million.

We have in the budget at the present time \$14 billion. We have some \$4 billion from other agencies. The Director of the Office of National AIDS Policy has expressed the view that the \$2 billion now for global AIDS is all that can be used.

Much as I would like to see additional funds, we simply do not have it in the budget resolution or in our allocation. So I must oppose the amendment, and I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment exceeds discretionary spending limits specified in this section and, therefore, is not in order.

Mr. DURBIN. Mr. President, I move to waive section 504 of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent and the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—43

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hollings	Pryor
Breaux	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Collins	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—51

Alexander	Crapo	McCain
Allard	DeWine	McConnell
Allen	Dole	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Carper	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—6

Domenici	Graham (FL)	Lieberman
Edwards	Kerry	Smith

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Under the previous order, the Senator from Connecticut is recognized to offer an amendment on which there will be 10 minutes of debate evenly divided prior to a vote.

The Senator from Connecticut.

AMENDMENT NO. 1597 TO AMENDMENT NO. 1542

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER, proposes an amendment numbered 1597 to amendment No. 1542.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds for Head Start)

On page 61, between lines 14 and 15, insert the following:

SEC. ____ (a) HEAD START FUNDING.—In addition to any amounts otherwise appropriated under this Act to carry out programs and activities under the Head Start Act (42 U.S.C. 9801 et seq.), there are appropriated an additional \$350,000,000 for such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$700,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,245,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,433,301,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and a number of my colleagues. I will not recite the entire list of all of those who have joined with me on this Head Start amendment.

This amendment would increase the appropriation by \$350 million above the increase recommended by the Appropriations Committee over the coming fiscal year. Very briefly, what this means, in the absence of this amendment being adopted, we will have to cut the number of children who are presently in Head Start programs. With the adoption of this amendment of \$350 million, we can increase the enrollment by 36,000 children in Head Start programs across the country.

There are 19,000 centers and 50,000 classrooms. This is a program that has worked remarkably well over the past

almost 40 years. It serves children by helping them get ready to learn. It has been remarkably successful. We are still underserving a very needy population, as the Presiding Officer knows. If we do not get them started right, these are the children who drop out of school, who become teen parents, who end up in the juvenile justice system, and become people who abuse substances.

Head Start works. We are going to be reauthorizing the program in the coming year, to do a variety of things to improve the program even further. In the absence of this kind of a start, when we now know the poor population of children has been increased by 600,000 just in the last 2 fiscal years, to be reducing the number of children presently in the program would be a huge mistake. These are poor children. They come from single-parent families. They are struggling to make ends meet. Head Start gives them an opportunity to get on the right track early on before they begin a formal education.

I urge my colleagues on both sides to be able to find the resources to do this. Head Start has been remarkably successful. It deserves our bipartisan support, and I urge my colleagues to support this amendment.

I yield to my distinguished friend from Florida who would like to be heard on this issue as well.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I have been to Head Start facilities all over my State. What a wonderful little academic atmosphere for these 3-, 4-, and 5-year-olds who are starting the program, as well as those who are younger than 3. It is this little academic atmosphere where they start to learn their letters, the alphabet, and their numbers. They start to learn respect for their fellow little citizens, respect for property. In addition to that academic environment, we are looking at their health, their physical health, their mental health, their dental health.

Back in July, the House of Representatives by a 1-vote margin, 217 to 216, started to sound the death knell on this fantastically successful and wildly popular program by saying, instead of funding it directly to the Head Start centers, they were going to put it in a nice little block grant and send it to eight State legislatures and Governors.

You know the fiscal distress the States are in. You know the temptation it is going to be for those States if we ever entertain anything like that.

To the contrary, here we have an opportunity to take a stand with the amendment of Senator DODD, to say responsibly we are going to increase the Head Start Program that gets these little fellows, these little children, prepared to enter prekindergarten and the first grade.

I support the Senator's amendment.

Mr. DODD. Mr. President, I want to close by talking about the reauthorization of Head Start. We need these resources to keep trying to expand the number of children who can participate in this program. We all know the importance of getting these children ready to learn. If we end up reducing the number of children presently in the program, as we will if we accept just the language of the pending appropriations bill, it is a major setback in early education.

I yield the floor.

Ms. MIKULSKI. Mr. President, I support the Dodd amendment to add \$500 million to the Head Start Program. I have heard from communities all over Maryland that are being forced to make tough choices because funding for Head Start is inadequate. Communities have to choose between two bad options: diluting the quality of Head Start, or shutting the doors on some eligible children.

And what does President Bush propose to solve this problem? Instead of putting the resources in the budget, he proposed dismantling Head Start by handing it over to the States. Head Start is already one of the more successful Federal programs. Head Start can be even more effective than it already is. But you know what? It is going to take Federal leadership and a serious investment—not a block grant and a prayer. That is why I am proud to cosponsor the Dodd amendment.

Currently, only 60 percent of eligible preschool children are in Head Start, and only 3 percent of eligible infants and toddlers are in Early Head Start. In Maryland, about 25 percent of eligible children under 5 are in Head Start and Early Head Start. At the same time, we are trying to improve Head Start by requiring stricter teacher qualifications, by improving academic instruction, and by maintaining vital health and social services. Yet this bill provides only \$148 million more for Head Start. That is not even enough to cover inflation.

The Bush budget puts communities in a tough position. They have to choose between diluting the quality of their Head Start programs or serving fewer children. In my own State of Maryland, we are facing this kind of impossible choice. For years, Montgomery County contributed \$16 million of its own money to run a very high quality Head Start Program. But they still didn't have enough money to serve to all the low-income children in Head Start.

Recently, the county proposed using its money for a pre-K program that would serve more children. But they also proposed making cutbacks and sacrifices. They proposed cutting back on comprehensive health and family services for the new pre-K classes. They proposed shortening pre-K classes, which would mean teachers couldn't accomplish as much. And they proposed reducing the number of children in Head Start by almost half.

The Bush budget forced Montgomery County into this situation by not providing the resources to serve all children in Head Start. I think we need to put the money in the Federal checkbook so that communities won't have to make bad choices between bad options. The Dodd amendment is a step in the right direction.

You can't get more for less. You get what you pay for. We need to increase Federal funds so that all eligible children can benefit from high-quality Head Start. I urge my colleagues to support the Dodd amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Connecticut about the desirability of Head Start. I think it is a marvelous program and the increase in appropriations reflects a doubling in the past decade. In my capacity as chairman of this subcommittee, whenever we could find an extra dollar we put it into Head Start.

In fiscal year 2000, we increased Head Start by more than \$600 million. In fiscal year 2001, we increased Head Start by \$933 million.

I just wish we had the funds available now to add the \$350 million requested by the Senator from Connecticut. For next year, we have funded an increase in Head Start for almost \$150 million. Regrettably, we are stretched very thin with respect to the budget we have here, on the budget resolution and on the allocation to this subcommittee.

My colleagues are coming to me for relatively small sums, some in tribute to former Members of this body, and we simply do not have the money. The Senator from Wisconsin wants \$1 million, not a large request in a \$137.6 billion bill, but there is just not enough money here. Being a manager of a bill has a great many challenges getting it organized and getting it in gear. But in the last 3 days I have cast more controversial votes—I would consider really bad votes, according to my own instincts of what I would like to see done—than I cast in the whole last year.

The title I Amendment offered by Senator BYRD, I voted against and I deplore the inadequacy of funding on title I. With regard to Pell grants, Senator HARKIN and I have led the way. When we pushed it up to \$4,000 a couple of years ago, the Director of OMB came to my office and threatened a broad-scale rescission of the entire bill.

I would very much like to see more money for Head Start. But we just do not have it in the resolution and we don't have it in the allocation. You can't squeeze blood out of a turnip and this bill has turned into a turnip. I don't think it is a lemon but I think it is a turnip.

Mr. President, for that reason I raise the point of order under section 504 of the concurrent resolution on the budget for the fiscal year 2004 that the amendment exceeds the discretionary spending and therefore is not in order.

Mr. DODD. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent and the Senator from Oregon (Mr. SMITH) is absent because of death in family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 47, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—47

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Campbell	Hutchison	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Collins	Kennedy	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	

NAYS—47

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NOT VOTING—6

Domenici	Graham (FL)	Lieberman
Edwards	Kerry	Smith

The PRESIDING OFFICER. On this question, the yeas are 47, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. SPECTER. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, in our sequencing, we now turn to the Senator from Nebraska; how long does the Senator intend to speak?

Mr. HAGEL. I request 4 minutes.

Mr. SPECTER. Fine.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1572

Mr. HAGEL. Mr. President, I rise tonight in support of an amendment I have offered, along with my colleagues, Senators DODD and JEFFORDS and others, to increase funding for the Individuals with Disabilities Act, IDEA, part B, by an additional \$1.2 billion in fiscal year 2004. This amendment would bring the total IDEA fiscal year 2004 increase to \$2.2 billion, which was the level approved by the Senate in the fiscal year 2004 budget resolution earlier this year.

For the past 3 years, I have worked with Senators HARKIN, DODD, JEFFORDS, and many of my Republican colleagues to increase funding for IDEA. I have argued that no education funding priority is as important or will do more for States in this time of budget crisis than meeting our Federal commitment to IDEA.

As we all know, in 1975 Congress guaranteed children with disabilities the right to free and appropriate education. This meant that, whatever the cost, States and local school districts would be mandated by Federal law to provide the necessary services to educate a child with a disability. Congress understood that this Federal mandate would be costly. As a result, they agreed to provide States with 40 percent of the cost of educating these children. That was almost 30 years ago.

Unfortunately, Congress has not kept its end of the deal. While our schools continue to meet the necessary requirements under IDEA year after year, they also bear more than their fair share of the costs for complying with this law. Today, the Federal Government's commitment to IDEA is only 18 percent.

As in years past, I offered legislation with Senator HARKIN and others to ensure that the Federal Government provides for special education by making funding increases for this program mandatory. But we will have this discussion on mandatory versus discretionary funding for this program when we take up the IDEA reauthorization legislation later this year.

We are here today because, again, as years in the past, this appropriations bill has failed. We failed to keep our funding proposition. That is why we need this amendment. The fiscal year 2004 budget resolution approved by this body allowed for a \$2.2 billion increase for IDEA, part B funding. Unfortunately, the Senate Appropriations Committee underfunded this program, only providing an increase of \$1 billion.

The Dodd-Hagel-Jeffords amendment provides an additional \$1.2 billion for IDEA, meeting the approved budget increase of \$2.2 billion already approved this year.

Additionally, the amendment would put us on a realistic path to reaching our obligation to provide States and local school districts with 40 percent of the cost of educating children with disabilities.

This is the responsible thing to do. I ask my colleagues to support this amendment when it comes up for a vote tomorrow morning.

Mr. President, I thank you and yield the floor.

Ms. COLLINS. Mr. President, I rise today in support of the Dodd-Hagel-Jeffords amendment to increase funding for the Individuals with Disabilities Education Act or IDEA. I am pleased to join Senators COLEMAN, MURRAY, DORGAN, BINGAMAN, KERRY, MIKULSKI and others as a cosponsor of this amendment.

IDEA is based on two fundamental principles: first, that all disabled children are entitled to a free and appropriate public education. And second, to the maximum extent possible, these children should be educated along side their nondisabled peers.

To help States achieve these principles, Congress authorized funding at 40 percent of the average per pupil expenditures. Unfortunately, this funding level has never been realized, leaving States with insufficient resources and jeopardizing the achievement of IDEA's goals.

In 1996, the year I was first elected to the Senate, the Federal Government provided only \$2.3 billion for IDEA funding, about 7 percent. Last year, IDEA funding had risen to \$8.9 billion, about 18 percent. While clearly we have made great strides in this area, the currently IDEA funding is still less than half of the 40 percent originally promised by Congress. Over the years, this shortfall has placed a tremendous financial stress on States in providing these services, and in particular on small rural communities such as those in Maine.

As startling as these shortfalls are, they fail to fully convey the crushing financial blow which can result to a small community when a medically fragile, high cost child locates there. In these situations, school systems are often forced to cut back in services to all children, both disabled and nondisabled, in an attempt to meet their legal obligations. Unfortunately, this can result in resentment of these children by members of their own community.

Increased Federal support is desperately needed, and that is why I want to thank Chairman SPECTER for the substantial increase in IDEA funding he has included in the Senate base bill. He has included nearly a billion-dollar increase over last year's level.

Our amendment seeks to further boost this funding by providing an additional \$1.2 billion for IDEA Part B State Grants. This increase would result in a \$2.2 billion increase over fiscal year 2003 funding and will keep us on the track toward full funding. Our

amendment would also be consistent with action taking during Senate consideration of the fiscal year 2004 budget resolution, which similarly provided for a \$2.2 billion increase for IDEA. In Maine, passage of this amendment would result in a \$10 million increase over fiscal year 2003 funding levels.

With this amendment, we would raise the Federal Government's commitment to roughly 21 percent of the costs of special education. I urge my colleagues to join us in support of this amendment. Let's continue our efforts to make good on our promise and fully fund IDEA.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New York.

AMENDMENT NO. 1598 TO AMENDMENT NO. 1542

Mr. SCHUMER. Mr. President, I rise to offer an amendment to increase the funding levels in the Ryan White CARE Act.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL, proposes an amendment numbered 1598 to amendment No. 1542.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for programs under the Ryan White Care Act)

On page 61, between lines 14 and 15, insert the following:

SEC. ____ In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) \$74,010,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) \$50,000,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) \$214,800,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) \$21,130,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) \$25,450,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) \$10,450,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) \$5,590,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)).

Provided, That of the funds appropriated under this Act for the National Institutes of Health, \$750,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,296,629,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,381,871,000.

Mr. SCHUMER. Mr. President, I will be brief because I know we have a lot to do to finish this bill tomorrow.

This amendment increases the funding levels of all titles contained in the

Ryan White CARE Act by a total of \$401 million, with \$214 million specifically going toward the AIDS Drug Assistance Program, commonly referred to as ADAP.

The CDC estimates that nearly 900,000 people are living with HIV in the United States, and among those are 362,000 who are living with AIDS.

Forty percent of the new estimated HIV infections each year occur in the New York City metropolitan area. So obviously this has great importance to us.

Adolescents, women, and minority communities are particularly hard hit by this epidemic. Over 80 percent of the new estimated HIV infections in women occur among African-American and Latino populations.

In the last 10 years alone, the number of AIDS cases among women has more than tripled, and every hour in this country two people under the age of 25 become infected with HIV.

Now the interesting thing here is, this is not just limited to New York. Cleveland, OH, and Atlanta, GA, have been named as two hot spots for this growing trend in the increase in AIDS and HIV, particularly among women.

In his fiscal year budget of 2004, President Bush stated his goal to help reduce the number of HIV infections in the United States by 50 percent by 2005. However, the President's budget provides no new domestic prevention funding for CDC to meet this goal.

The Ryan White CARE Act provides resources to State and local health departments and community-based organizations for primary medical care, drug treatments, and supportive services for low-income, uninsured people living with HIV and AIDS.

The ADAP program provides access to vital but costly new drug treatments that have enabled many people to live longer, more productive lives.

Since 1996, the number of people served by ADAP alone has more than doubled, expenditures have quadrupled, and the need for services still outpaces available services. If we do not provide full funding for ADAPs, we will accumulate as many as 21,000 Americans on waiting lists in the next 20 months.

With no access to lifesaving drugs, they will experience HIV disease progression, they will end up in hospital emergency rooms and intensive care units, and they will incur very significant, avoidable costs to local health care systems.

Currently, Oregon, Kentucky, and Alabama have the longest waiting lists. Alaska, Colorado, Idaho, Nebraska, New York, Oklahoma, South Dakota, Washington, and West Virginia all currently have severe access limitations due to the lack of funding and will have to close enrollment sooner than they planned.

To effectively fight the spread of HIV/AIDS in the United States, America's leading organizations committed to fighting this epidemic have called for an increase of \$400 million for do-

mestic prevention activities at CDC. My amendment attempts to fill in these gaps.

As increasing numbers of people with HIV/AIDS live longer, the cost of their care and treatment places greater financial demands on State and local governments and community-based organizations. We can provide funding for these needed services through the Ryan White CARE Act.

I urge my colleagues to adopt this much-needed amendment.

Mr. President, I yield back my remaining time.

Mrs. CLINTON. Mr. President, I thank my colleague from New York for addressing the HIV/AIDS epidemic on behalf of the millions of people affected by HIV/AIDS in New York and around this country. The profound human tragedy of HIV/AIDS has exacted an incalculable economic and human toll on civilization—the Ryan White CARE Act programs have helped to fill the gaping holes in care and survival we have experienced these last few decades. This amendment will provide essential funding for those programs so that those struggling to survive each day can access necessary, life-saving treatments.

We are all familiar with the statistics—800,000 to 900,000 Americans currently live with HIV/AIDS, 77,000 in my State of New York alone. Furthermore there are a devastating 40,000 new infections in the U.S. each year.

This is why we need the \$401.43 million that this amendment would provide for the Ryan White CARE Act programs, including a \$214.8 million increase for the AIDS Drug Assistance Program or ADAP. The Ryan White CARE Act provides invaluable resources to State and community health organizations for primary medical care, drug treatments, supportive services for low-income, and uninsured people living with HIV/AIDS. Ryan White is also crucial to helping people follow complicated drug treatments, to alleviate high medical costs for people with low incomes and to combat HIV/AIDS in communities with a high degree of new HIV/AIDS cases.

It is precisely because of Ryan White CARE Act's documented success that we need to help the program survive, so they can help patients survive. Improvements in care and powerful drug therapies are well publicized and indeed many people with HIV/AIDS are living longer, more productive lives. Yet as patients live longer, the cost of their care and treatment places greater demands on community-based organizations and State and local governments. This funding is vital for health facilities and State budgets, which have come under considerable financial strain due to costly new drugs.

For example, the AIDS Drug Assistance Program, ADAP under Title II of the CARE Act was created in part to address the enormous need brought on by the advent of new combination drug therapies. However, several States

have been forced to cap or restrict access to drug treatments through ADAP, and continually deplete their ADAP budgets long before the fiscal year ends. Turning our backs on patients who have clearly benefited from better access to newer, more effective drugs would be a step backwards.

I urge my colleagues, on behalf of patients and states, to support this amendment. We need to keep one step ahead of this disease with education and prevention efforts, focusing on hard hit populations such as women and minorities, or else we risk sliding backwards in our battle. Millions continue to face the daily grind of living with this insidious disease, and it is my sincere hope that funding these programs will bring a measure of help and hope to New Yorkers and Americans who suffer each day.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I believe the Ryan White HIV/AIDS program is a very important one. I wish we had additional funding so we could accept the amendment offered by the Senator from New York, who seeks to add \$400 million to this program.

There have been very substantial increases in the program. In 1999, the program was set at approximately \$1.4 billion and that has increased to the current appropriation of \$2.041 billion.

Overall, on HIV/AIDS, in the Labor-HHS bill, we have in excess of \$14 billion. The entire bill, which we have, has an allocation \$137.6 billion. I fought to have a larger allocation, but this is the maximum appropriation we can make within the budget resolution and within our allocation, as much as I would like to see even more resources directed toward HIV/AIDS.

For those reasons, Mr. President, because it does exceed the budget, I raise a point of order under the Budget Act.

Mr. SCHUMER. I move to waive the appropriate section of the Budget Act, Mr. President.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. We are going to vote on this tomorrow, Mr. President, but now we are set to go.

Mr. SCHUMER. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1595 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1595 with respect to LIHEAP.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. KENNEDY, Mr.

LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE, proposes an amendment numbered 1595.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981)

On page 61, between lines 14 and 15, insert the following:

SEC. _____. In addition to any amounts otherwise appropriated under this Act for additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), there are appropriated an additional \$300,000,000 for such needs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$264,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,195,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,483,301,000.

Mr. REED. Mr. President, first let me start off by commending Chairman SPECTER for his efforts to meet the needs that are so evident in this appropriations bill in a very difficult budgetary climate.

The amendment I offer this evening, together with my colleague from Maine, Senator COLLINS, would be to increase funding for the Low-Income Home Energy Program to \$2.3 billion for fiscal year 2004.

I thank my other colleagues and cosponsors—Senators KENNEDY, LEAHY, ROCKEFELLER, VOINOVICH, JEFFORDS, KERRY, LIEBERMAN, SCHUMER, CORZINE, SARBANES, BINGAMAN, LINCOLN, LEVIN, HARKIN, CLINTON, DURBIN, and SNOWE—for cosponsoring this amendment.

The amendment Senator COLLINS and I are offering will provide \$300 million for the LIHEAP contingency fund. This money is available under certain specified conditions: a significant home energy supply shortage or disruption, a significant increase in the cost of home energy, a significant increase in home energy disconnections, a significant increase in participation in a public benefit program, or a significant increase in unemployment.

Contingency money for LIHEAP is very important to ensure that these resources can be quickly dispensed and targeted to those areas of the country and those populations that are experiencing either severe weather or severe economic distress.

Today, on September 9, it is a balmy day in Washington, DC, but no one can forecast the weather that will take place throughout the course of this winter on the east coast, in the Northeast, or on the west coast, nor can we forecast hot weather that could occur

in the summertime. So this contingency fund is absolutely essential.

What we need to do is to ensure that this funding is there in sufficient quantity so there will be no disruption in meeting the needs of people who are facing crises, either economic distress or severe weather.

I particularly thank Senators SPECTER, HARKIN, STEVENS, and BYRD for their commitment to the basic program. This appropriations bill contains \$2 billion for the LIHEAP State grant program. It is the first time we have had \$2 billion for the basic LIHEAP program since 1986, and it is a testament to the commitment and effort of Senators SPECTER and HARKIN and their colleagues. It is the absolute minimum we need for the state grant program. Any lower amount represents a real cut in dollars. But we also need something else, and that is the contingency funds. If we don't have those contingency funds, I don't think we can respond to the needs many of us foresee taking place this winter.

Last year, States provided LIHEAP assistance to over 4 million families. Yet this is only about 15 percent of the 30 million households who were eligible for LIHEAP assistance. So 85 percent of eligible Americans could not be helped because of constrained funding in LIHEAP.

My colleague, Senator BINGAMAN, is going to offer an amendment later which would try to increase the basic State grant by \$1 billion up to \$3 billion. This is a goal Senator COLLINS and I have aspired to for many years. We annually send a letter asking for state grant funding of \$3 billion. I certainly support that proposal. But I readily understand, given the constrained budget, where this is a very difficult judgment to be made by the committee and by the Senate. Nevertheless, I do believe—and that is why I offer, with Senator COLLINS, this amendment—we need, for operational efficiencies and for the ability to respond, the \$300 million in contingency funds. I hope on a bipartisan basis we can support this \$300 million contingency fund.

My colleague is here. I know she wishes to speak on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the program for low-income home energy assistance is a vital program. Pennsylvania, my State, compares about the same as the State of the Senator from Rhode Island in terms of weather. It gets very cold. I am well aware of the fact that for many people, especially seniors, it is a matter of heat or eat.

Since I have been on the subcommittee, we have made enormous progress in increasing the funding for LIHEAP. I thank the Senator from Rhode Island for noting the allocation which Senator HARKIN, the ranking member, and I had put in at \$2 billion. When the Senator from Rhode Island

cites statistics on the number of people who will not be covered, it is true. If his amendment is adopted, there will be some people who won't be covered. If a vastly increased sum of money were added, we would simply have to make the allocations.

We had an allocation last year of \$1.7 billion with a \$300 million amount in the contingency fund. This year the Senator from Iowa, Senator HARKIN, and I decided to put the full \$2 billion in the main account so you wouldn't have to get the contingency to activate those expenditures. I would like very much to have more money in this account. I fought hard on the budget resolution for more money for this subcommittee. If we had more money, nothing would give me greater pleasure. I don't think I have voted against any increase in funding for LIHEAP in the time I have been in the Senate.

There are very heavy responsibilities on the manager of the bill. One is to get the bill moving. If we don't get this bill through by September 30, we lose \$3 billion. So it is with great reluctance that I have to oppose the amendment from the Senator from Rhode Island, because I would like to see this funding granted, but it does exceed the budget resolution. And therefore, with reluctance, I raise a point of order.

The PRESIDING OFFICER. A point of order has been made.

The Senator from Rhode Island.

Mr. REED. Mr. President, pursuant to section 504(b)(2) of the concurrent resolution on the budget, I move to waive section 504 of that concurrent resolution and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be and is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, the plan is to stack this vote until tomorrow morning.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join with my colleague and friend from Rhode Island, Senator REED, in offering an amendment that would increase the funding for the Low Income Home Energy Assistance Program, commonly known as LIHEAP, by \$300 million.

Before I begin my formal comments, I, too, want to pay tribute to the distinguished chairman of the subcommittee, Senator SPECTER, for his longstanding support of low-income heating assistance funding. Due to his efforts, there is in this bill a \$200 million increase in LIHEAP funding over last year. Moreover, the bill would provide \$300 million more in much-needed regular LIHEAP funding than either the administration's request or the House bill. So the legislation before us represents significant progress.

Nevertheless, I am joining in the effort of my colleague from Rhode Island because I think it reflects a realistic

appraisal of the needs for more assistance in this program.

During the past year, the Nation has gone from energy crisis to energy crisis. In just this year alone, we have seen price spikes involving home heating oil, natural gas, gasoline, and electricity. Earlier this year, one of the largest suppliers of oil to American markets, Venezuela, ceased production as a result of political turmoil. A harsh cold snap occurred at about the same time, causing home heating oil supplies to plummet and prices to surge upward.

More recently, we have run into a shortage of natural gas that has again sent prices shooting upward. Three weeks ago, 50 million Americans suffered through the biggest blackout in American history. And finally, most recently, the price of gasoline rose with unprecedented speed to approximately \$1.75 per gallon.

These energy crises impose an especially heavy burden on our low-income families and on those of our elderly who are living on limited incomes. Low-income families spend a greater percentage of their incomes on energy and have fewer options available when energy prices soar. High energy prices can even cause some families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine.

These are choices no American family should ever have to make. Despite the hardship which energy emergencies impose on low-income Americans and despite the frequency with which we have all been forced to suffer through energy emergency after energy emergency, the bill before us does not provide any contingency LIHEAP funds to respond to these kinds of emergencies. Given the frequency with which we have been beset by energy crisis after energy crisis, in my view it is only prudent that we plan ahead and that we include some contingency funding to ensure low-income families can get through the next energy crisis on the horizon.

I hope we won't have to use that funding. I hope prices will be stable, that the winter will not be unusually harsh or long, and that there will be no energy emergencies in fiscal year 2004. If there aren't, if we are lucky or fortunate, then we will have no need to spend this money and we will all be much relieved. But just in case the future repeats the past, doesn't it make sense, just in case there is another shortage of home heating oil or natural gas or price spikes or heat-related crisis next summer, we be better prepared? Should we not set aside some funding to help those who will need the help the most?

I call upon my colleagues to join Senator REED and me in supporting this amendment which will set aside an additional \$300 million for energy emergencies.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Rhode Island.

Mr. REED. I believe we have concluded our discussions on this amendment. I ask unanimous consent to lay aside this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1592 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1592.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL, proposes an amendment numbered 1592 to amendment No. 1542.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for immunization services)

On page 61, between lines 14 and 15, insert the following:

SEC. _____. In addition to any amounts otherwise appropriated under this Act to carry out immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b), there are appropriated an additional \$50,000,000 to carry out such programs: *Provided*, That such amount shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,945,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,733,301,000.

Mr. REED. Mr. President, once again, I have to commend Senator SPECTER and Senator HARKIN for trying their best to meet extraordinary demands with very limited resources. In this case, it is with respect to childhood immunization. This is an issue that is too often taken for granted because it has been such a success throughout many decades in American public health. They have tried extremely hard to maintain these funds. They did not accept the President's proposal for a \$28 million decrease from the previous year's funding.

Nevertheless, the CDC, the principal Federal agency for immunization policy and implementation, after enjoying several years of increases, will only receive a \$5 million increase over last year's funding for global vaccine activities. Regrettably, it is not sufficient to continue meeting the challenge of vaccinating all of our children and truly protect children from diseases that are preventable through immunization.

States and public health authorities throughout the country are facing difficult issues of increased prices for vaccines and increased demands for services. These factors argue very strongly for increased funding, not level funding.

Right here in the District of Columbia, school began last week and the school department is struggling to contend with thousands of children who

are not up to date with respect to their vaccinations.

The amendment I offer today, in conjunction with Senators MURRAY, DURBIN, and CANTWELL, would increase funding for the CDC National Immunization Program by \$50 million. This additional funding will ensure that State and local immunization programs can maintain their commitment to protecting the health and well-being of our children.

One of our greatest successes in the area of public health has been the campaign to have all children properly immunized by the age of two. During this century, substantial progress has been made toward eliminating and controlling many vaccine-preventable diseases. Simply level funding this effort will not allow us to stay ahead of the problem but to actually lose ground in this public health campaign. That is why I am proposing this amendment.

Immunization initiatives have a proven track record of success. They are terribly cost efficient. Our efforts today have resulted in high levels of coverage around the country and record low numbers of outbreaks of diseases. In fact, by looking at this chart, you can see the success we have enjoyed with immunizations for vaccine-preventable diseases, including diphtheria, measles, mumps, polio, and rubella. These diseases struck fear in the hearts of Americans many years ago.

Today, we see a record of success in which diphtheria, for example, has been reduced by over 99 percent on an annual basis; measles has been reduced by 99 percent; polio, which when I was a young child was the most dreaded disease one could imagine, has been eliminated in the United States. This is a testament to the success of immunizations. We have to do more than what we were doing last year just to maintain current services.

Now, the other factor that we have seen in terms of the success of immunization is the direct and indirect savings when it comes to health care costs. For example, for every dollar invested in the hepatitis B vaccine for infants at birth to 2 months of age, that dollar saves \$14.50 in direct and indirect costs. The mumps, measles, and rubella vaccine saves about \$23, or approximately \$9 billion each year. This is an incredibly cost-effective program as well as a very necessary program. We cannot rest on our laurels. We have achieved this success, but if we relent and do not continue to put in the effort, we will find ourselves with fewer children immunized and higher incidence of disease outbreaks.

There is another factor, and that is at the time we are funding these immunization programs, we are discovering that science is making great breakthroughs and creating new vaccines, but these vaccines add to the cost of the program.

This chart illustrates the recommended immunization schedule in the year 2003—hepatitis shots, diphtheria shots, polio shots, et cetera. All

of these are multiple dosages over a number of months. All of them are expensive or getting more expensive. So what we have here is an increased demand not only in terms of children but also in terms of the vaccines and the immunizations they must receive.

The CDC is at the heart of our efforts. This chart depicts the six stages or elements of a good immunization program: community assessment; outreach and education; delivery of the recommended vaccines by providers; followup; tracking; maintenance of coverage rates and outbreak control. On all of these efforts, CDC is using their resources by giving grants to States, by making vaccines available under their programs.

This is an involved, intricate, and, frankly, expensive program that we must support. To do otherwise would risk what I fear would be a lack of progress in the days ahead with respect to the protection of our children in particular.

Now, the next chart illustrates one other aspect of the dilemma that is facing public health authorities—many more vaccines to be delivered, and also the cost of vaccines are going up, particularly the latest vaccine added to the inventory, the pneumococcal vaccine. The diagram describes the recommended vaccines in 1985. Back then, it was diphtheria, polio, and 1-2 MMR, or measles, mumps and rubella. Also, notice that the cost per child was very low, relatively speaking. Today, in 2003, with additional vaccination requirements, that cost has shot up significantly. So the range is almost \$450 compared to \$50. That is putting a greater burden on States, causing an additional need for Federal resources.

One of the things that is happening because of the clash of demand and limited Federal resources is that, in some cases, we are seeing a two-tier immunization system. Now, 32 States have implemented the new pneumococcal vaccine using Section 317 funds; 19 States have not done it. So in many respects, these 32 States are on the leading edge of providing total protection—or as much as we can ensure today for children—and yet 19 States are lagging behind. The principal reason for that is the inability to finance these new vaccines. Another very important reason we must, I believe, increase the appropriation this year for our immunization program.

You can see by these charts that we are beginning to lose a little bit of ground. This was 2001. The blue figures are the highest levels of vaccination, ranging from 80 to 89 percent. The yellow are the passing, if you will, 70 to 79 percent. The red is 60 to 69 percent of coverage.

Back in 2001, there was one State, Louisiana; and in 2002, because of strained resources, we are seeing many more red States show up. They are Louisiana, Oklahoma, Colorado, New Mexico, and other States are on the decline in terms of coverage. This is an-

other reason why we have to insist—at least I feel it is important enough to insist—that we increase funding for this very important program. We all, as I said initially, sometimes take for granted that our vaccine programs are working, that polio and rubella and measles are something of the past.

You can just look around the country at some of the headlines we are seeing in local newspapers: "Whooping Cough Rates Soar in Three Oregon Counties." This one says "Tetanus Continues to Pop Up in the U.S." "Officials Warn of Pertussis Outbreak." "Whooping Cough Cases Could Double." There are other examples.

It reminds us that we cannot take immunization for granted. I know the chairman has tried valiantly to put more resources into this program. I urge my colleagues to do what they can to support this amendment so we can increase funding for this very worthwhile and very efficient program. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt about the tremendous need for adequate vaccines to protect our children from a wide variety of maladies. The Senator from Rhode Island seeks to add \$50 million to existing accounts. I appreciate his acknowledgment of the work which Senator HARKIN and I have already done on the appropriations for vaccines.

The current bill has almost \$3 billion for vaccination programs. Health Resources and Services Administration has \$1.6 billion. The Centers for Disease Control and Prevention has \$1.65 billion. From that, \$1.14 billion is for vaccines for children. The Center for Medicine and Medical Services has \$300 million related to an immunization program. The vaccine development at NIH has almost \$1 billion—\$988 million. In addition to the funds provided in this bill, Indian Health Services has \$1.526 million.

I suggest when we are dealing in the \$3 billion range, there has been very substantial consideration, really adequate consideration for this important issue.

The Centers for Disease Control is an installation which has received special attention from this Senator. Three years ago, I made a trip to the CDC when I heard that it was in deplorable condition and I found prize-winning scientists with desks in hallways and poisonous materials unguarded in hallways.

With the cooperation of the ranking member, Senator HARKIN, we made an immediate addition of \$170 million and added to that \$250 million, and last year \$250 million, and have increased the administration's request by some \$300 million this year with an additional \$250 million for capital improvements.

This past Saturday, I traveled to Atlanta and took a look at the Centers for Disease Control. I take second place

to no one in my concern for the Centers for Disease Control and all their important operations on SARS, on HIV/AIDS, and the bioterrorist threats which now confront America.

Simply stated, I think we have done a pretty good job in this vaccination area. Certainly, \$50 million more might be nice under some circumstances, but I think this program is adequately funded.

The amendment offered by the Senator from Rhode Island exceeds the budget and, therefore, Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act and the allocation for this subcommittee.

The PRESIDING OFFICER. A point of order has been raised.

Mr. REED. Mr. President, I move to waive section 904(c) of the concurrent resolution on the Budget for fiscal year 2004 for purposes of the pending amendment, and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that a chart showing the extensive expenditures on this line be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMMUNIZATION PROGRAMS IN THE FISCAL YEAR 2004 BILL

	Fiscal year 2002	Fiscal year 2003	Fiscal year 2004
Health Resources and Services Administration (in millions)	\$1.6	\$1.6	\$1.6
Centers for Disease Control and Prevention (in billions)	1.617	1.683	1.655
Vaccines for children (in billions)			1.145
Centers for Medical and Medicaid Services (in millions)	270	285	300
Vaccine development, NIH (in millions)	610.2	962	988
Total in Labor-HHS bill (in billions)	2,498	2,731	2,944
Indian Health Service (in millions)	1,526	1,556	1,580

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1596 TO AMENDMENT NO. 1542

Mr. REED. Mr. President, I call up amendment No. 1596 with respect to museums and libraries.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN, proposes an amendment numbered 1596 to amendment No. 1542.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain literacy, library, and museum programs)

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$15,081,000 to carry out subpart 4 of part B of title I of the Elementary and Secondary Education Act of 1965;

(2) an additional \$24,100,000 to carry out the Library Services and Technology Act; and

(3) an additional \$5,182,000 to carry out the Museum Services Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$20,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,939,562,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,738,938,000.

Mr. REED. I thank the Chair.

Mr. President, once again, I rise to offer my final amendment of the evening, and I again commend Chairman SPECTER and Senator HARKIN for their efforts.

My amendment is designed to increase funding for libraries and museums. I am pleased to be joined by Senators KENNEDY, BINGAMAN, CORZINE, LEVIN, LAUTENBERG, SARBANES, BOXER, SCHUMER, JOHNSON, and FEINSTEIN in offering this critical amendment.

The appropriations bill before us essentially levels or cuts the funds in the library and museum accounts for this fiscal year.

The Federal Government has a long history of supporting our Nation's libraries and museums. The Federal Government started providing direct assistance to public libraries in 1956 and funding to museums in 1976. So this is a function we have taken on for many decades.

We all understand that museums and libraries are rich sources of culture and learning. They are part of the fabric of our intellectual and civic life in every community, small and large, throughout America. Libraries have been the foundation of education for years. They are vital sources of literacy training, of community activities, and so many things that are important to the quality of life in every community in America. Our museums bring into the lives of our people great art, scientific discoveries—indeed a host of discoveries and amazing items that educate, inform, and, inspire the people of this country. These institutions are more important now than ever because we must recall our past to deal with a very difficult present and a challenging future.

These facilities are also in great demand. If you speak to librarians and museum directors, they would like to stay open longer and offer additional programs and services because the demand is there, but the funds are not there.

We are facing these issues and facing this appropriations bill just a few weeks after we passed the Museum and Library Services Act of 2003. This body passed it with strong, bipartisan support. It would reauthorize these Federal programs for the next 6 years.

Among the many aspects of the bill that passed was providing for a doubling of the minimum allocation to each State, which is very important to smaller states like Rhode Island. Also, it established a reservation of 1.75 percent for museum services for Native Americans, to match the reservation currently provided for library services.

We are charting down a new reauthorization path but, unfortunately, we have not been able to, in this appropriations bill, match the design for that authorization. Indeed, this is one of those situations in which the President's budget is much more robust with respect to funding than the Appropriations Committee's proposal to the Senate. The President sometimes gets criticized for not following through, and then we have to do more. This is a case where the President's proposals have been strong with respect to museums and libraries.

For example, in the No Child Left Behind Act, we authorized a program called Improving Literacy through School Libraries. This program is designed to provide library resources to schools throughout this country, a central part of learning. The bill before us would fund that at \$12.4 million. The President requested \$27.5 million because I believe both the President and the First Lady recognize the importance of school libraries and books and materials for those libraries.

I was the principal author of this legislation in the Health, Education, Labor, and Pensions Committee, and I feel very strongly that we must make a greater commitment to our nation's school libraries. Too often when you go to a school library, you find books that are out of date—vastly out of date—or books that are insufficient in number or quality for students to truly learn.

Indeed, in an ideal world, every young American should have two libraries to call upon: A good school library and a good neighborhood public library. This will allow them to learn, to explore, and to understand that education is not just the hours in school, but it is every opportunity they have to read and to explore on their own.

I hope we could raise our efforts to increase the level of funding to \$27.5 million, the President's proposal, and not the funding level contained in the bill. Indeed, the President, in his statement of administration policy on this bill, said:

The administration also urges the Senate to provide the full request for . . . Literacy Through School Libraries.

My amendment will also increase funding for the Library Services and Technology Act by \$24.1 million to bring the new total to \$171.48 million. This increase in funding for the Library Services and Technology Act would reach the President's funding request of \$169.6 million for library State grants plus provide an additional \$1.6 million needed to double the minimum State allotment which is a key reform in the recently passed Museum and Library Services Act of 2003.

If we do not follow through with this funding, we are going to inhibit the ability of libraries to serve their neighborhoods. We are going to inhibit the ability of libraries to take part in literacy programs which is one of the centerpieces of the President's overall educational policy. We see it every day in our hometowns and across our States, where libraries cut back hours, cut back access, cut back collections and, indeed, as many States face fiscal crises, one of the first areas that is cut in State budgets is libraries and museums.

I believe we should be able to, hopefully, step into the breach and help a bit more.

My amendment would also boost funding for the Museum Services Act by \$5.18 million to again reach the President's funding request. Our museums are key partners not only of our educational programs but also of our culture and our national memory. I hope we can increase funding in this regard.

This is a modest amendment, in total increasing resources by \$43.36 million that will directly help our museums and libraries throughout the country.

I reiterate that I understand the difficult challenge both Senator SPECTER and Senator HARKIN face in trying to fund all of these programs. I think they would be the first to point out how valuable they are. I feel very moved to point out how I believe we can do better. In this case, simply matching the President's request would do much better.

My amendment is fully offset for fiscal year 2004. It achieves this by rescinding fiscal year 2004 advance appropriations and reappropriating those funds in fiscal year 2003. This is the same mechanism Chairman STEVENS and Chairman SPECTER used to add \$2.2 billion to the underlying appropriations bill.

I urge my colleagues to support museums, libraries, and the Reed amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment by the Senator from Rhode Island with some trepidation, because of two factors: My sister Shirley Katy is a professional librarian, and my sister Shirley Katy is reportedly watching this debate on C-SPAN. Senator HARKIN just said, sotto voce—I had better be careful.

That is one of the problems of being a manager of a bill. You have to try to keep the bill within the budget resolution, within the budget allocation. If it conflicts with the longstanding interests of my sister Shirley Specter Katy, that is just one of the costs of being the manager of the bill.

I might say parenthetically, and not too much at length because of the hour, that my sister was a great inspiration to me on developing early reading habits. It actually led to my downfall; I became a lawyer. She was always

with a book. She has been a librarian in the Elizabeth, NJ, school system for many years. She recently retired.

From her and from my educational experience generally, I have great reverence for libraries. I would like to see the libraries funded even more than they are. The Institute of Museum and Library Services has an appropriation of \$243,889,000. Notwithstanding the difficulties of the budget, we were able to maintain that figure.

It is worth noting that the figure is \$1,865,000 above the President's request. Here again, I would like to see more money in libraries, but we simply do not have the money within the budget resolution or within the allocation for this subcommittee. Therefore, it is with reluctance that I raise a point of order that this amendment exceeds the budget resolution and therefore is not in order.

The PRESIDING OFFICER. A point of order has been raised.

Mr. REED. I move to waive the Budget Act under Section 504 for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1602 TO AMENDMENT NO. 1542

Mr. CORZINE. Mr. President, on behalf of myself, Senator LAUTENBERG, and Senator CLINTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, Mrs. CLINTON, and Mr. LAUTENBERG proposes an amendment numbered 1602 to amendment No. 1542.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore cuts in student aid)

At the end of title III add the following:

SEC. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$200,000,000 shall not be available for obligation until September 30, 2004.

Mr. CORZINE. Mr. President, my amendment is simple. It would block

the Department of Education from implementing recent changes in student aid eligibility that will reduce financial aid to college students by billions of dollars starting in the fall of 2004. Let me repeat that—billions of dollars.

These changes come at a time when tuition is rising dramatically, double digits in many of our State schools across the country; just 9 percent in the State of New Jersey. Students and working families are straining to provide the financial wherewithal to access America's promise of access to higher education.

This challenge to working Americans has been vividly documented in a feature article in U.S. News & World Report September 8, entitled "Beyond Their Reach."

I ask unanimous consent that a copy of that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORZINE. It goes through tuition hikes. It goes through how Federal funding for grants and loans has not kept pace with the rise in tuition. It talks about students having to work many additional hours to be able to meet the financial stress. It is a very complete review of what the burden on working families is with regard to paying for higher education and having access to the American promise that provides.

I put that into the RECORD because it sets the framework for what I am talking about with regard to these regulations on financial aid.

I will explain these cuts in student aid which I feel are inappropriate for the times, but I think I can show they are totally unfair within the context of what is happening in the real world. This is a case where people in the Department of Education are operating off of information that is dated and is not applicable to the current circumstances.

I will take a few minutes to explain the situation, which is not immediately obvious, but it is very clear it undermines access to higher education in a very substantial way. On May 30 of this year, the Department of Education changed the formula for determining eligibility for Pell grants and other types of Federal financial aid. The formula is complex. It looks a lot like a tax return. I guess people have to go to H&R Block to figure it out, but it is very clear what this does. A family starts with their gross income and through a series of calculations subtracts from that their income to calculate what is called the expected family contribution. They start with gross income and subtract away a number of items to get to expected family contribution.

As the name implies, this is the amount a family is expected to contribute toward the college education of their child in any given year, at least for those families above \$15,000 in gross

income—hard-working, middle-class families. Expected family contribution then is subtracted from the cost of education for that year to determine a student's need for the purpose of Federal aid, such as Pell grants. The expected family contribution is also used by many State and private institutions. This is important to understand. This doesn't just apply to Pell grants; it applies to private institutions as well, all kids who are going to school, not in every instance but in most instances. It impacts their ability to get financial aid and basic allocation of financial assistance for both loans and grants across the country.

In other words, changes in a student's expected family contribution has direct impact on that student's eligibility for all kinds of financial aid. As a student's expected family contribution goes up, their eligibility for financial aid goes down.

As I noted earlier, the way the student's expected family contribution is calculated is similar to the way Federal taxes are calculated. One of those similarities is the fact that you get credit for State and local taxes that you pay. For income tax purposes we call it a deduction, and it reduces the amount of your taxable income. In the financial aid world it is called an allowance, but it works in a similar way. A student's family gets an allowance for paying State and local taxes. This allowance then reduces the amount of their student's expected family contribution. So, as the State and local tax goes up, the student's expected family contribution goes down. The eligibility for financial aid goes up. If the allowance goes down, the opposite happens: A student's family gets less credit for paying State and local taxes and the student is eligible for a smaller amount of financial aid. This gets at the heart of the problem, this issue I am trying to address tonight.

The allowance for State and local taxes is not determined for families based on what they pay; it is not individualized; it is determined by the Department of Education, and through publication in the Federal Register they establish those for each and every State.

Each year, the Department of Education publishes a table, and the percentage of income that family can deduct from their income as an allowance for paying State and local taxes is established. Until this year, the Department of Education had not changed these allowances in 10 years. Let me repeat: They had not changed these allowances in 10 years. Somehow or another they decided to do it this year but had not done it in 10 years, while State and local taxes are moving up and down in different amounts in all different environments. On May 30 they decided to slash the allowances across the board.

I will just show you this chart, show what actually is taking place in many States. I would like to show, for instance in South Carolina, they would

argue taxes fell from 7 percent to 3 percent, so they reduced the allowance by 57 percent.

If I am reading this correctly, the Presiding Officer, who lives in Missouri—they have gone from 5 percent to 3 percent and they reduced the allowance for Missouri citizens 40 percent, the deduction to change the eligibility for families to access financial aid.

You can go through this chart for every State. Local tax allowances were cut in every State but one, Connecticut. Some of those allowances were 100 percent, 50 percent, 80 percent. New Jersey is one of the lucky ones; it was only 14 percent.

I see the Senator from Pennsylvania. Pennsylvania's cut was, if I am reading it correctly, 50 percent.

It is important that people understand that, again, this is determining financial eligibility of families on a very wide basis. We can talk about each of the States and how much is being cut. Almost every State except, as I suggested, Connecticut has reduced the allowances we have here.

The bottom line is students and their families all across America will get less on allowance for State and local taxes next year for purposes of applying for Federal financial aid. I repeat, it also applies for many private institutions and private aid beyond that.

As a result, the expected family contribution, what families are expected to contribute, will go up for nearly all American families and students. While the financial aid impact will vary from family to family, it is clear that an increase will reduce aid for many students.

I am having a hard time understanding, as I read the newspapers and I hear that State income taxes and local income taxes are going up, why we have decided to implement this today.

This is a very hard thing to calculate for a lot of different issues, but one of the places the Department of Education has worked with CRS is with regard to local allowances as they apply to Pell grants. They have acknowledged that there will be 84,000 students across America who will lose their Pell grants entirely. Not everybody is going to lose them. Some are going to lose just a portion of their eligibility. I will go through an example later.

We know that for those 84,000, that is a \$270 million drop in the amount of financial aid being provided for students in grants across the country. The fact is, if you sum it up for those who are partially participating and all the others, we are talking about billions of dollars. I emphasize, it is not just Pell grants.

Listen to the assessment of Bryan Fitzgerald, the Director of the Advisory Committee for Student Financial Assistance, created by Congress to advise it on higher education. Mr. Fitzgerald was quoted in the New York Times on July 18. Asked about whether

damage from the Department's action would just affect the Pell Grant Program, Mr. Fitzgerald said:

It doesn't stop there. It will have a ripple effect through all the other financial aid programs—State grants, loans and institutional dollars. The cumulative effect will be much larger.

Bryan Zucker, president of the Human Resources Capital, in the same New York Times article stated:

[I]n aggregate, there's no question that we're talking about a swing of billions of dollars [in financial aid.]

I think it is important that we have laid out these facts, that tinkering around with the formula is going to end up undermining the ability of literally hundreds of thousands of middle-class Americans to have access to financial aid grants and loans. It is going to make something that is already very difficult even more troubling, to have access to higher education.

I think it is very difficult to understand why we are doing it.

Let's put this in the context of what is going on in our States. The Department of Education is reducing the allowance families get for paying State and local taxes. But I think everyone in this Chamber knows State and local taxes are not going down; they are going up. According to the National Association of State Budget Officers, States raised taxes by more than \$8 billion in fiscal year 2003 and already plan to enact additional tax increases of over \$17 billion for 2004.

It is likely through the 2003 and 2004 period that we will see State taxes go up by \$25 billion, compared to what the Department is using, where they are saying they are going down. That is before we take into consideration what is happening at the local level, local taxation in many places.

I want to use one example. Students and families in Pennsylvania, for example, will have their State and local tax allowance cut from 6 percent to 3 percent. For purposes of this calculation, Pennsylvania families will get 50 percent less credit next year than they did this year. But in fact the senior Senator knows, State taxes are going up in Pennsylvania. In fiscal year 2003 they were raised by \$569 million, and in 2004 Pennsylvania is planning more increases. I don't think that is fair to Pennsylvania any more than I think it would be fair in New Jersey. In fact, we have many of the same situations.

I think you can go State by State and look at it, look at this possibility. I will not go through each State but I think you can calculate it for every State but Connecticut and you will see there is a loss. State taxes are going up. Local taxes are going up. The only people who do not realize it seem to be the Department of Education.

I want working families to have an opportunity at this American dream. I think this needs to be done.

I also would cite this article about which I spoke. There is a specific case

of a lady named Lynn Caputo of Massachusetts, one of hundreds of thousands of students going through this process about which I spoke.

I am not going to read this article. We have a quote here that shows how deeply flawed this is when you apply it to an individual. Ms. Caputo lost a father. By these calculations, she will lose over \$1,000 in financial aid next year. Just at the time when her personal situation is changing, taxes are going up in Massachusetts. By these standards of how we deal with expected family contributions, she is doing better than she would have been doing before. It is very hard to understand how that fairness fits with the reality of the world in which we live.

Eighty-four thousand students are losing Pell grant loans, and 270 million of them broadens it out to billions of dollars when you take into account all of the other higher education needs.

I think we need to do something about this. We can do that without impinging on our budget formulation. That is what my amendment would do. It says the Department of Education cannot use any funds to implement new State and local tax allowances to the extent that they would reduce aid for any student.

By the way, there are some technical things about one class of students here or there. But the vast majority are losing.

I should note that the amendment is fully offset by provisions to delay the obligation of \$200 million in NIH funds until September 30, 2004. As a practical matter, this should have no real impact on their operations or change their needs. We are talking about a serious impact on a broad swath of middle-class Americans having access to financial aid.

This isn't partisan. There are Republican States and Democrat States. This is just bureaucracy not keeping up with the times.

Let me repeat that they haven't changed these formulas in 10 years. They somehow or other woke up on May 30 and thought we needed to change these formulas. They have not done it for 10 years. Now they are reducing that allowance for taxes at just the time taxes are going up. I don't get it. We are trying to do this in a fiscally sound way by getting an offset. I think we can make a big difference in a very substantial way for a lot of folks. It will not cut Pell grants in any way. I think it will make a big difference in providing access to higher education for kids who are really stretched.

I hope the Senate will consider this tomorrow. It really is something that I think goes to the heart of everyone in this Chamber. We are not talking about costing money. We are talking about costing working families in America money.

EXHIBIT 1

[From the U.S. News and World Report,
Sept. 8, 2003]

BEYOND THEIR REACH

(By Rachel Hartigan Shea)

In July, administrators of tiny Unity College in Maine tagged 100 fish with vouchers totaling \$165,000 in scholarships and other goodies and dumped the finned financial aid into a nearby lake. Nearly 100 students and parents pushed off from shore in canoes, kayaks, and rowboats, all hoping to snag the big one: a fish carrying the \$56,800 that would cover four years tuition at the private college, known for its outdoorsy majors such as aquaculture and forestry.

It was a good day to be a smallmouth bass. After seven hours, all but one of the students participating in Unity's first annual "Fishing for Scholarships" paddled back empty-handed. Mike Bradford, a sophomore from Bear, Del., reeled in a \$50 tuition coupon and a free sea-kayaking trip donated by a local merchant. Nice, but it hardly covered those hefty college bills.

A lot of families these days feel as if they're facing college costs without enough funds on the line. Salaries are flat, jobs are scarce, investments haven't fully recovered and savings are tapped out. Financial aid can't seem to keep pace with financial need, and now the Department of Education has tinkered with the financial aid formula to some families' detriment [story, Page 54]. Tuition, particularly at state schools, continues to rise. Families aren't alone in their anxiety: Colleges, too, wonder how they will pay the bills, with endowments down 6 percent last year, the biggest drop since 1974, and 25 states cutting higher education appropriations by as much as 14 percent. Many schools have had to cut classes and sports teams, freeze salaries, and lay off employees to deal with the budget shortfalls.

Yes, it looks like a crisis. But before you despair, listen to this: It's still possible to get help paying for college. There's more financial aid money available today than ever before, and more students are getting a piece of it. But the piece is smaller, and it might be in the form of an IOU. It all adds up to a substantial shift in who ends up footing a big chunk of the bill for college: you. "Students and their families are paying more of the share than they did a decade ago," says Donald Heller, senior research associate at the Center for the Study of Higher Education at Penn State.

Financial aid was originally designed, of course, to make college affordable for everyone. In 1965, Lyndon B. Johnson signed the Higher Education Act which gave colleges government grants to distribute to needy students and established a loan program for the middle class. Seven years later came the debut of the Pell grant, the primary funding mechanism for low-income students. In its early years, the Pell—with a maximum award of \$452 based on family income—covered as much as 84 percent of college costs. But while federal spending on Pell grants has gone up 8 percent since 1991, tuition and fees have increased by 38 percent. The Pell's current maximum of \$4,050 covers roughly 39 percent of the average cost of tuition and room and board. And with the White House and Congress eager to limit spending, it's unlikely that the Pell will be raised this year.

Gap math. Because of the high cost of grants, the federal government in the late 1970s began turning to loans to fill the gap between federal grants and family need. Two thirds of federal aid now comes in the form of loans. Subsidized Stafford loans allow students with demonstrated need to borrow up to \$2,625 their first year (\$6,625 for independent students) and more in subsequent

years, up to a maximum of \$22,265. The government pays the interest—currently 3.42 percent—until the student has been out of school for six months. Students not deemed needy can take out unsubsidized Stafford loans; parents can turn to Parent Loans for Undergraduate Students. Both also boast low rates.

It sounds like a pretty good deal. But more loans means more students (who are today outborrowing their parents) are paying the bulk of their college costs. "The student aid system was based on the parental responsibility to pay for college," says Brian Fitzgerald, staff director of the Department of Education's Advisory Committee on Student Financial Assistance. "Loans mean it's the actual student who is bearing the burden." Nationwide, student debt is up 66 percent since 1997.

Take Erin Brindell, a 21-year-old from St. Louis. In April, her father, an accountant, took early retirement rather than risk losing his job. Her mother, a teacher who's been fighting cancer, also retired. With Brindell's family income down almost 60 percent from last year, and two other siblings in college (another four have already graduated), the senior asked her school, a private university in Missouri, for more aid. The college said it was out of money and pointed her to a state loan agency. She borrowed \$9,700, bringing the grand total of her debt upon graduation next spring to \$60,000. Brindell, who is majoring in secondary education, will end up paying for what her family could not, which promises to be a struggle on a teacher's salary.

Deep debt. This fall, Congress will consider raising the Stafford loan cap during the reauthorization of the Higher Education Act. The combination of low interest rates and a higher limit, some education experts argue, will help more students pay for college without resorting to private loans, which generally have higher interest rates and require quicker repayment. But critics respond that the debt load is already too high and looms darkly over students' futures, forcing them to consider majors—and careers—based on potential earnings rather than academic inclination. Some experts suspect a higher loan limit would not translate into more aid: Institutions will just reduce grant aid by the extra amount students can borrow.

At the same time that federal policy is influencing the growth of loans at the expense of grants, states are driving up public university prices and accelerating the cost shift to students. State support for universities has been steadily declining over the past two decades. Legislators see that colleges have sources of funds like tuition and private donations that other pressing budgetary needs like primary education and healthcare do not. And the recent fiscal crises have just exacerbated the decline. This year was the third in a row of drastic cuts to university funding nationwide. The Maryland university system lost 14 percent of its budget, while California lost \$700 million of the \$9 billion it usually spends on higher education. Experts predict an additional 2.3 percent decline next year. And remember this all comes at a time when many states expect higher enrollments. Nevada, for example, is bracing for a 33 percent boom in high school graduates by 2007.

So what can the state systems do? Mostly, raise tuition. The tab at the University of Virginia and the University of California shot up 30 percent this year; the University of Arizona's, nearly 40 percent. And many of the increases are on top of previous tuition spikes; 16 states raised tuition by more than 10 percent last year. Of course, state universities are still a bargain for in-state students, almost 70 percent of whom pay less

than \$8,000 per year. But low-income students can't afford even small jumps in their share of college costs. For the poorest families, the cost of attendance at a public university is more than half their income. And according to a study last year by the Department of Education's Advisory Committee, there is a \$3,800 gap between what families in the lower income brackets need to attend public universities and the financial aid they receive.

Some states, like Arizona, have tried to shield the neediest students. "We ran the numbers to see how we can increase tuition and set aside enough to hold the most needy harmless," says Jack Jewett, former president of the state's board of regents, who notes that 14 percent of all tuition revenue will be funneled into financial aid.

But many states are coming up short. Indiana managed to boost spending but not enough to cover higher tuition, so it will now have to limit the amount of the awards. And Minnesota couldn't give out any grants to new college students last spring, despite an extra \$8 million in the budget, because current students had already consumed the available money. "I think that policymakers are siding with aid programs more than institutions in terms of cuts," says Kristin Conklin, a senior policy analyst with the National Governors Association, "but that relative protection is not translating into more buying power for students."

Individual universities are exhausting their financial aid dollars as well. Take Penn State: While it raised tuition 9.8 percent to about \$9,500 for incoming freshmen, it has lost \$45 million in state funding over the past two years. "Something would have to be traded off, like competitive wages for faculty or forgoing already delayed maintenance on buildings," says Anna Griswold, an assistant vice provost.

But there may be another significant reason why there's not enough money to go around. Some critics say that too much is being spent on merit aid. Over the past decade, state grants have gone up 447 percent, but much of that is not need-based. Since 1993, the Georgia HOPE Scholarship, the granddaddy of all the state scholarship programs, has doled out more than \$1.9 billion to more than 693,000 students with B averages or better in high school. But programs like Georgia's tend to favor middle- and upper-class students whose families probably could afford college without a scholarship. And with several states funding the merit programs through lotteries, a 2002 study by the Civil Rights Project at Harvard University argues that lottery players, who are "disproportionately low income, poorly educated, and black," are paying for the college education of these better-off kids. The study found that 12 states with merit programs gave out nearly three times as much money for those scholarships as they did for need-based aid.

Not surprisingly, colleges limit their financial aid bills by being choosy in the admissions game. "If a student is marginal and has money, his chances of being admitted are better than a student who is marginal and has no money," says Robert Massa, vice president for enrollment, student life, and college relations at Dickinson College. That said, the private Pennsylvania school, which finances most of its aid through tuition, enrolled more students this year because the class as a whole was needier. "Those additional 30 students are helping us afford financial aid to assist the entire student population," says Massa. Just a few dozen schools—all of them private—still pledge that a student's financial need won't influence the admissions process and that they'll

meet the full need of the students they accept. Trouble is, poorer students are gravitating to the few need-blind colleges that are left. "Places like Macalester are reaching a point where we have to consider not being need blind," says Michael McPherson, the Minnesota college's former president.

Looking up. Yet there are bright spots on the horizon. Institutional aid from private universities rose almost 197 percent in the past decade. Schools with generous endowments can purposely keep loans to a minimum. "A one-year downturn doesn't necessarily severely impact our ability to maintain our [financial aid] policies," says Joseph Russo, director of financial aid at Notre Dame. And a group of wealthy schools (called the "568 Group" for a section of federal law that allows them to collaborate) are giving out more grant aid this year, having decided to cap home equity at 2.4 times a family's income in its eligibility test. (The federal government does not count home equity when assessing need.) So, those families whose home prices shot up while their salaries stagnated will find themselves with better aid offers.

Even Erin Brindell, with her \$60,000 debt, isn't gloomy. "I can't worry too much," she says. "I've had a great college experience."

Mr. SPECTER. Mr. President, will the Senator from New Jersey yield for a question?

Mr. CORZINE. Sure.

Mr. SPECTER. Has the Senator from New Jersey considered offering legislation which would be taken up by the Committee on Health, Education, Labor, and Pensions? I believe he is a member of that committee.

Mr. CORZINE. I wish I were. I wish the Senator from Pennsylvania could make the argument that I could be on that committee. I would be happy to be on that committee.

Mr. SPECTER. I withdraw that portion of my question.

I ask the Senator: Isn't it true the Senator can offer an amendment which would be considered by that committee?

Mr. CORZINE. I very much will consider looking at all of the various ways. I think we have legislation pending to be reviewed in that committee. It just so happens this is one of those places where we deal with higher education. It seems quite appropriate since we have a budget-neutral approach both to raise this issue and to make sure we address it now so people can make their financial plans.

Mr. SPECTER. Aside from considering a substantive law change, has the Senator from New Jersey proposed one?

Mr. CORZINE. We have a bill that has been submitted. I will check out the number for the senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise that question because this is an issue of some complexity. Nobody has been a greater proponent of higher education than this Senator. It may be that the whole approach on making deductions or changes based on taxes is an inappropriate way to deal with the funding of higher education. What we have here is an effort to stop funding on a change in a formula which involves a sub-

stantive change in law. We have very few amendments offered. We have to reach some substantive objective by limitation of funding.

If it is something which is fairly direct, I would think it appropriate. But where you have something which is as complicated as this matter is—there have been no hearings on it, there has been no opportunity for the Secretary of Education to come in to offer an opinion, there has been no opportunity for the Secretary of the Treasury to come in and offer an opinion.

We have an article from U.S. News & World Report which I can't even get a copy of. I sent over for a copy a few minutes ago so I could have an opportunity to read it and so I would be in a position to know a little something about what the Senator from New Jersey offers an amendment to effect, as he calls it, a "swing" of billions of dollars. I would not like to swing on billions of dollars on a U.S. News & World Report article I can't even get a copy to read.

The Senator from New Jersey has an amendment. It would have been helpful to have had it in advance of the moment when he offered it. If he is relying on an article, it would have been helpful to have the information.

I am very much concerned about what is proposed to be an offset here. The last part of his amendment, which I have just seen, provides that the funds appropriated under this act to the National Institutes of Health—\$200 million—shall not be available for obligation until September 30, 2004.

Anybody who tampers with the funding of the National Institutes of Health for any amount of money is going to draw strenuous objection from this Senator. The ranking member, Senator HARKIN, and I have worked for many years to double NIH funding from \$12 billion to \$27 billion. On a murky amendment such as we have today and not knowing where it goes, I would strenuously object to it on the grounds that it ought to be considered in an authorizing committee, and that before we tamper with the National Institutes of Health on this funding, even though it may not amount to a great deal of money, because I don't know how much they will obligate, the \$200 million has the potential to be very substantial. But I would strenuously urge my colleagues to reject the amendment.

I hope to have an opportunity to read U.S. News & World Report before the night is over.

Mr. HARKIN. Mr. President, I am sorry. I don't know who has the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. CORZINE. I thank the President. I will respond to the Senator from Pennsylvania.

It is not the U.S. News & World Report calculations. The Congressional Research Service calculated what the impact is. It is a Federal study. The stimulus doesn't come from U.S. News & World Report. It is reporting to the

public what some of the changes are. I think it is important that we do what is necessary to make sure higher education is openly available to every student and to every family.

That is what the amendment is about. It is very simple. It is not changing the law. It is dealing with an issue of regulation. The Department of Education has chosen to deal with one in 10 years. It is going to change the flow of funds that is made available—Pell grants, loans, and other financial aid—to students across the country.

I would be more than happy to provide my own copy of U.S. News & World Report. But they didn't do the analysis. The analysis was done by the Congressional Research Service in a study provided to the Department of Education.

I hope we can consider this not on the basis of publications but looking at it from the effective study of some of the Government agencies that have looked at it.

Mr. HARKIN. Will the Senator yield?

Mr. CORZINE. Certainly.

Mr. HARKIN. First, I thank the Senator for his amendment on issues at NIH. I very seldom disagree with my esteemed friend and chairman of the subcommittee, Senator SPECTER. I may have a slight disagreement here.

A couple of questions: First, I noticed on the chart that the deduction for my State of Iowa was 57 percent. That looked to be one of the highest of all the States, if I am not mistaken. Is a 57-percent reduction correct?

Mr. CORZINE. The distinguished Senator from Iowa is reading the chart correctly.

Mr. HARKIN. Would the Senator state what that would mean? Give me some idea what that might mean for a family in Iowa that applied for student aid, has been getting student aid, a son or daughter going to a private college—Simpson College or Graceland or Clarke or a number of colleges in Iowa. They have been applying for student aid and all of a sudden they get hit with this change. Give me some idea what that means for that family that is eligible for student aid with a couple of kids in high school and maybe they have a couple of kids in college.

Mr. CORZINE. The Federal study has shown that 84,000 kids across this country would be dropped from the Pell grant program itself, completely eliminated.

Mr. HARKIN. Is the Senator saying there could be young men and women in Iowa who are in college who are getting Pell grants, eligible for Pell grants today, who, because of this change in this Department of Education regulation—not a law, but a regulation—will be denied access to Pell grants next year?

Mr. CORZINE. This change in regulation is done once in 10 years, by the way, not on a systematic every-year basis looking at what is going on in the States. It will have the potential to affect your students in Iowa or my students in New Jersey and anywhere

across the country. The effect is quite substantial, and it also can reduce that amount somebody would be eligible for a Pell grant. So \$4,000-plus could be reduced to \$2,000. This could be meaningful dollars in grants that are lost to students across this country just at a time, by the way, when tuition is going up 10 percent a year—in that neighborhood—in State universities across the country, at the same time that universities are having to cut back classes because they do not have the resources coming and budgets are being reduced from the State governments. It is a difficult mix of things to be implemented.

We ought to act sooner rather than later. That is why we are talking about it now.

Mr. HARKIN. Would the Senator say further that this change in this regulation not only affects the families that need this student aid, the young people going to college who need the student aid but, again, when they get the student aid, they use it usually to pay their tuition at school, so not only does it hurt the families—it is a double hit—it also hits the schools, too?

Mr. CORZINE. When students have to drop out or are not able to go, and there is a decreased demand for higher education from students, that would happen. We are losing a major investment in human capital as time goes on.

Clearly, universities are hurt. They are having to deal with trying to find other sources of aid, basically trying to find jobs for kids so they can work at the same time they go to school.

It seems to me we are being very shortsighted in implementing such a regulation which does not conform with the facts anywhere. It has been talked about broadly, obviously in the media. There have been studies equally by a number of government institutions. I hope the Senate will consider this in the long run best interest of the country. We are not changing the fiscal year for the NIH funding, just delaying the timing.

Mr. HARKIN. If the Senator will yield for my last question, I want to make sure I am correct that the Senator in his amendment is not taking any money away from NIH; is that correct?

Mr. CORZINE. That is correct. As a matter of fact, I am supportive of what both the Senator from Pennsylvania and the Senator from Iowa have done to double NIH funding over a period of time. I will continue to support that. I believe very strongly in it.

Mr. HARKIN. I know the Senator has been supportive of our efforts to increase funding of NIH.

As I understand the amendment of the Senator from New Jersey, it delays until September 30, the last day of the fiscal year, by \$200 million, NIH obligations. It is my information that NIH estimates that it will obligate \$8 billion next September. In September of next year it will obligate during September, 1 month, \$8 billion.

I assume they work on a 5-day work-week. I assume that. I know NIH does

research 7 days a week, but in terms of this, that is 20 days out of the month, so \$8 billion for 20 days. If we could figure out how much that is a day, that is \$400 million a day.

What the Senator is basically saying, we are just asking for one-half day, to delay until September 30.

Now, if, in fact, they do \$8 billion in September and do it evenly, which they do not normally do, but if they do, they will be obligating \$400 million on September 30 anyway, so the Senator is saying that for purposes of getting the funding we need for this, we are simply going to ask to officially delay \$200 million until the last day of the month. They can still obligate it. This gets us the money we need to pay for the Senator's amendment. Am I correct in what I said?

Mr. CORZINE. The Senator from Iowa is exactly correct. He is talking about how budget accounting works in the Federal Government, which is a cashflow system. We are in no way trying to undermine the ability of NIH to be effective.

Mr. HARKIN. One last observation. If it is \$200 million, we take no money away. They will obligate \$8 billion in September anyway. That \$200 million is one dollar out of every 40. That is all you are saying they will obligate on September 30. I have to believe it. I have been around NIH now for the 19 years I have been privileged to serve on this committee, and I watched how they obligate money and how they spend money. Quite frankly, it is in this Senator's judgment that asking NIH to obligate \$200 million the last day of the month is nothing. That is a no-brainer. They will do that anyway, but it gets us the money needed to make sure we do not shortchange the kids and their families needing help for Pell grants and help meet the needs of our higher education, our institutions so they can get the young people in and pay the tuition.

In that regard, I ask unanimous consent to add my name as a cosponsor, and I ask unanimous consent, also, that Senator REID of Nevada be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. I yield the floor.

Mr. SPECTER. Mr. President, my calculations differ. I took \$8 million—and I don't know if that is a correct figure or incorrect figure—and that works, to me, to be \$20 million a day. So if you are talking about \$200 million, that is considerably more than the calculations we have just heard.

I don't think it is too important how much money it is. If it is delayed funding which is available for the National Institutes of Health, I think it is a bad idea.

Mr. HARKIN. Four hundred million dollars a day.

See, Mr. President, that is why we need a hearing. I thank the Senator from Iowa for proving my point. This is not something that you can roll off the

back of your hand going into the 15th hour of the day, a little before 9 o'clock Eastern Standard Time.

But whatever the calculation comes out to be, I would strenuously object to tampering with any of the NIH money. And I say that after having put a lot of blood, sweat, and tears, along with my colleague from Iowa, on getting the funding up.

When the Senator from New Jersey says he is not changing the law, I think he is categorically wrong. If you are stopping the funding so that the change in the formula cannot be worked out, it is conclusively changing the law.

This amendment to this appropriations bill is a specific effort to change the law. When you talk about a swing of billions of dollars—and I don't know whether that is right, wrong, or indifferent, but that is the representation made by the Senator from New Jersey—the impact on looking for an offset can hardly be de minimis, can hardly be minuscule, can hardly be irrelevant.

You are talking about a swing of billions of dollars. I don't know that is so, but I would like to know a lot more about this amendment and what its impact is. And I would like to know a lot more about this whole idea of reducing student aid based upon some formula. I am not familiar with it. And this is something which I think the Department of Education and the Department of the Treasury would like to comment about.

In an effort to peruse this Congressional Research Service document just a bit, I have some bedtime reading. In fact, I have quite a bit—U.S. News & World Report. But I note a paragraph in this CRS document. It is CRS-8, and it says this:

Quantifying the impact of the May 30th revisions to the state and other tax allowance tables will require identification of which students will have their eligibility for federal aid affected by changes in their [expected family contributions] and to what extent. Although it would appear that the levels of federal aid awarded to many students will be affected by these revisions, without substantial and complex modeling, the size of that student population and the financial effect on federal aid programs remain largely undetermined.

So to repeat, it says: "It would appear that the levels of federal aid awarded to many students will be affected by these revisions. . . ." It does not know it for sure. It says "without substantial and complex modeling"—which supports what I am talking about, that you need to know what this is really all about, which you should have a hearing on—"the size of that student population and the financial effect on federal aid programs remain largely undetermined."

I would ask the Senator from New Jersey, since he cites this as his authority, How does he explain this authority saying that it is largely undetermined on the basis of the existing record?

Mr. CORZINE. The Senator from Pennsylvania is asking me a question. I would just remark that the Education Department indicates that Pell grant costs will be potentially impacted by \$270 million or less. And they estimate—the Department of Education—based on the information of the CRS, that 84,000 students would lose eligibility altogether. They did not make an estimate about how many other students would lose partial eligibility, partial coverage. And they made no estimate with regard to how other people in private institutions or State institutions, using the same calculations of allowances for State and local taxes, would do it. Just know it will be quite substantial, not impacting the Federal Government but impacting how student aid is allocated nationally.

Now, very clearly, the Education Department accepts the estimation of 84,000 students losing eligibility for Pell grants. It is not U.S. News & World Report. It is their estimate from their own budget service.

I think the Senator is looking at the CRS report of June 25, 2003. And that point is made on—let's see if I can help the Senator from Pennsylvania. It is on CRS-8.

Mr. SPECTER. Well, Mr. President, I have an additional question.

How can the Senator from New Jersey make the assertions he has when his own authority says there would have to be "substantial and complex modeling" to determine "the size of that student population and the financial effect on federal aid programs" which "remain[s] largely undetermined"?

Mr. CORZINE. I think the Senator from Pennsylvania has heard me say that the only number I have used specifically is the 84,000 that CRS has estimated would lose all Pell grant assistance, not the full calculation of how many individual students would lose partial benefits on grants and student loans, by way of Stafford loans and other things, which would be much more complex. And that is what they are pointing out.

Mr. SPECTER. Well, Mr. President, the essence is that when you want to stop funding to carry out existing law, there ought to be a lot more understanding of what is going on. And our processes for legislation are customarily carried out by the introduction of bills and by hearings. And when you affect the Department of the Treasury, you affect the Department of Education, you affect swings of billions of dollars—again, the language of the Senator from New Jersey.

This is not the way to accomplish that result. I oppose this amendment.

Mr. President, are we prepared to move now to the final amendment of the evening, the amendment from the Senator from Nevada?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1603 TO AMENDMENT NO. 1542

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1603.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for certain education and related programs)

At the end of title III, insert the following: SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);

(2) an additional \$6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);

(3) an additional \$4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);

(4) an additional \$11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);

(5) an additional \$1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);

(6) an additional \$12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and

(7) an additional \$69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$146,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,085,011,000 and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,593,489,000.

Mr. REID. Mr. President, I am not going to debate this amendment tonight. We have no vote scheduled tomorrow. I am not sure we are going to have a vote on it tomorrow. But I will discuss it tomorrow. I am not going to discuss it anymore tonight.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will my friend yield?

Mr. SPECTER. I do.

Mr. REID. It is my understanding you are going to raise a budget point of order on the amendment offered by the Senator from New Jersey?

Mr. SPECTER. No, I am not because it does not lie. If I could, I would.

Mr. REID. I missed the first part of the debate.

Mr. SPECTER. I missed most of the debate myself.

Mr. REID. Mr. President, I ask for the yeas and nays on the Corzine amendment.

The PRESIDING OFFICER. Without objection, it will be in order to request the yeas and nays at this time.

Mr. REID. I ask for the yeas and nays on the Corzine amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, the White House and the Republican Congress see a perfect storm coming. Our policy in Iraq is crashing, the Federal budget is crashing, and so are State and local budgets. Family budgets are crashing, too. The administration and the Republican Congress are worried that their power to stay in office is crashing along with the electric power grid.

The overtime issue should be an embarrassment for anyone who supports the Republican position. It's a symbol of all that's wrong with so many of their other policies.

Three million Americans have lost their jobs since President Bush took office. Ninety-three thousand more were lost in August alone—the seventh consecutive month of job losses.

This is no time to end overtime. It's precisely the wrong time.

We need to create more jobs to bring this troubled economy back to life.

But under the Bush proposal, businesses can raise their profits by asking employees to work harder for lower pay, and avoid hiring new employees.

Especially in times like these, the right to overtime pay is a clear incentive for firms to create jobs, because it encourages employers to hire more workers instead of asking current employees to work longer hours.

We know that employees across America are already struggling hard to balance their family needs with their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation. The last thing Congress should do is to allow this anti-worker administration to make the balance worse than it already is.

What can the administration be thinking, when it comes up with such a shameful proposal to deny overtime protections on which millions of workers rely?

According to the Congressional General Accounting Office, employees

without overtime protection are twice as likely to work overtime as those covered by that protection. Americans are working longer hours today than ever before—longer than in any other industrial nation. At least 1 in 5 employees now has a work week that exceeds 50 hours, let alone 40 hours.

Congress cannot sit idle while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the open wounds.

The 8 million Americans who will lose their right to overtime under the Bush administration regulation include police officers, firefighters, nurses, and EMTs the heroes of September 11. With the anniversary of that tragic day just 2 days away, we can't help but remember the horrifying images of that day. The many lives lost.

The exhausted firefighters raising the American flag. And we recall the long, grueling hours so many of our first responders invested to protect and save their fellow Americans.

Today our first responders work long hours keeping our Nation safe from terrorism and other threats. President Bush wants to take away their overtime pay.

Cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of the total pay of workers who receive it. The administration's proposal will mean an average pay cut of \$161 a week for them. Hard-working Americans don't deserve this pay cut, and it's wrong for the administration to try to force it on them.

Our Democratic amendment is clear. It says that no worker now eligible for overtime protections can lose it as a result of the new regulation.

The overtime protections in the Fair Labor Standards Act have been a fundamental right of the Nation's workers for more than half a century. That basic law was enacted in the 1930s to create a 40-hour workweek. It requires employees to be paid fairly for any extra hours.

I urge my colleagues to support this essential proposal to keep the faith with the Nation's working families. We will continue the battle to restore jobs, provide fair unemployment benefits, and raise the minimum wage, and we will do all we can to preserve the overtime protections on which so many Americans families depend.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, the Senate proceed to a vote in relation to the following amendments in the order stated: Harkin 1580, Schumer 1595, Reed 1595—I have two 1595s—the three Reed amendments, 1592, 1596, and Corzine 1602. I further ask unanimous consent that there be 2 minutes equally divided for debate prior to the vote in relation to each amendment beginning with the second vote; further, that no amendments be in order to any of the amendments prior to the vote.

Mr. REID. Reserving the right to object, Senator SCHUMER has offered only one amendment, so we will make sure that we are voting on the right amendment. Senator SCHUMER is No. 1598, so the RECORD should reflect that. I ask, further, that the request of my friend from Pennsylvania be modified that the following would be added: That there be 4 minutes for debate equally divided prior to Reed amendment No. 1595. That would be after the Schumer amendment. Rather than 2 minutes, it would be 2 minutes on each side, a total of 4 minutes. Further, I ask that the votes following the Harkin amendment be 10 minutes in length.

Mr. SPECTER. Agreed to.

Mr. REID. Prior to entering the consent, Mr. President, I would note that we hope to have three more votes lined up here. On the Mikulski amendment, there has been a good faith offer made by the other side. We will discuss that with Senator MIKULSKI in the morning. Maybe we won't have to have a vote on that. And then we were hoping to have a vote on the Dodd and Gregg amendments. We will do those side by side. The two leaders agreed that those two votes would follow the Harkin amendment. I am not going to say a lot about that now. I know Senator GREGG says he does not have his ready to go yet. I have spoken to Senator DODD at home this evening. He said he is agreeable to doing it following this sequence of votes. So following the Corzine amendment, I hope we can have the two votes that are going to be cast dealing with Dodd and Gregg which are on the same subject matter, I understand.

Having said that, I have no objection to the consent as modified.

The PRESIDING OFFICER. Without objection, as modified, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST PENALTIES ENHANCEMENT ACT OF 2003

Mr. SPECTER. Mr. President, I have sought recognition to speak on a bill that I will introduce to increase the criminal penalties relating to terrorist murders and to deny Federal benefits to terrorists, and for other purposes.

I authored the Terrorist Prosecution Act of 1986, which provides for extraterritorial jurisdiction to try in United States courts anyone who assaults, maims, or murders a U.S. citizen anywhere in the world. And that bill, which provides for the death penalty, has been enacted into law and has been very helpful.

I have been trying to extradite Palestinian Authority terrorists who have murdered United States citizens abroad. This bill would go beyond existing law to provide for the death penalty in all terrorist offenses resulting in death. It adds the death penalty as a

punishment in a number of situations that do not currently provide for the death penalty, such as sabotage of a national defense installation, sabotage of a nuclear facility, or destroying an energy facility.

In addition, this legislation includes conspiracy and attempt to commit terrorist acts in the list of terrorism offenses subject to the death penalty. It would enable prosecutors to seek the death penalty for terrorist fundraisers, for example.

Another important aspect of this legislation would be to remove the so-called gateway factors to impose the death penalty for terrorist offenses. It adds terrorism to the list of offenses, espionage and treason, for which the death penalty can be imposed without the gateway factors being met. For other offenses, the death penalty can only be imposed if there is a direct link between the criminal act and the death of a victim and prosecutors do not believe they can establish such a link in the case of a terrorist fundraiser.

There are Supreme Court decisions which preclude the imposition of the death penalty, for example, on the driver of a getaway car in a felony murder or robbery murder. Someone in the getaway car cannot get the death penalty because the Supreme Court has said it is too remote. And when I have pressed the Department of Justice to proceed with criminal prosecutions and to seek the death penalty for terrorists, for people who contribute to organizations such as Hamas, where they know there are terrorist branches and instigation of the murdering of U.S. citizens, as they did some months ago at Hebrew University and in other situations, the prosecutors have said to me they are concerned that the analogy to the driver of a getaway car might prevent the imposition of the death penalty.

Frankly, I disagree with that assessment because the driver of a getaway car may not be considering the consequence of death. And the contributors to terrorist organizations, knowing what those organizations do, are really on notice and are accessories before the fact to murder. I think they ought to be held liable under existing law. But to clear up any ambiguity, this legislation would remove those limitations and would make such contributors to terrorist organizations liable for the death penalty as accessories before the fact.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Penalties Enhancement Act of 2003".

SEC. 2. PENALTIES FOR TERRORIST MURDERS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339D. Terrorist offenses resulting in death

“(a) PENALTY.—A person who, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

“(b) TERRORIST OFFENSE DEFINED.—In this section, the term ‘terrorist offense’ means—

“(1) international or domestic terrorism as defined in section 2331;

“(2) a Federal crime of terrorism as defined in section 2332b(g);

“(3) an offense under this chapter;

“(4) section 175, 175b, 229, or 831 of this title;

“(5) section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

“(6) an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5).”.

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

“2339D. Terrorist offenses resulting in death.”.

(c) AGGRAVATING FACTORS.—

(1) IN GENERAL.—Section 3591(a)(1) of title 18, United States Code, is amended by striking “or section 2381” and inserting “2339D, or 2381”.

(2) CONFORMING AMENDMENT.—Section 3592(b) of title 18, United States Code, is amended—

(A) in the heading, by striking “AND TREASON” and inserting “, TREASON, AND TERRORISM”; and

(B) in paragraph (1)—

(i) in the heading, by striking “OR TREASON” and inserting “, TREASON, OR TERRORISM”; and

(ii) by striking “or treason” and inserting “, treason, or terrorism”.

SEC. 3. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339E. Denial of Federal benefits to terrorists

“(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

“(b) FEDERAL BENEFIT DEFINED.—As used in this section, ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).”.

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

“2339E. Denial of Federal benefits to terrorists.”.

REMEMBERING GENERAL BILL CREECH

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a man of remarkable leadership, dedication, and courage and to join Nevadans and Americans in mourning the loss of retired Air Force General Bill Creech.

As chairman of the Military Readiness Subcommittee, I have learned a great deal about what it has taken and what it will continue to take for our armed services to be the top military in the world, bar none. For the strength, effectiveness, and success of

today's Air Force, this nation owes a debt of gratitude to Bill Creech.

Creech started as a private in the Air Force in 1944, and as he rose 14 rungs to four-star general, he never forgot what it was like to be at the bottom. During almost 40 years of service to this nation, he flew 280 missions as a combat pilot and was decorated 39 times, including 22 awards for bravery in combat.

In 1960, he came to Nellis Air Force Base in Las Vegas where he was director of operations for the “Top Gun” Fighter Weapons School and during which his relationship to southern Nevada first formed.

In 1978, he earned his fourth star and became commander of the Tactical Air Command, or TAC, at Langley Air Force Base in Virginia. During his 6½ years as commander, Creech showed the Air Force how to get the job done, and his leadership continues to be a lesson to us all. Under his direction, TAC's productivity improved by 80 percent and resulted in \$12 billion of savings for the government.

And while Creech cut out the fat and waste, he oversaw the development of a new generation of air fighters including many modern jets as well as our prized Stealth fighter that eludes radar detection. Creech also used his experiences in Vietnam to develop night-flying tactics that led to our victories in the Persian Gulf War and Iraq.

After his retirement from the military, Creech became an internationally recognized management consultant with a best-selling book on total quality management based on his success restructuring the Air Force. For anyone who manages a single office or a multi-billion dollar corporation, Creech's message is invaluable. By rewarding accomplishments, creating pride in ownership, and developing a team atmosphere, the human factor endures and success results.

To southern Nevadans, Bill Creech will always hold a special place in our hearts for his loyalty and dedication to our beloved Thunderbirds, the air demonstration team that calls Nellis Air Force Base home. A Thunderbird pilot who flew 125 demonstration shows, Creech was once referred to as “the father of the Thunderbirds,” and he believed that the Thunderbirds inspired young people to join the Air Force.

The Thunderbirds exist today because Bill Creech stood up for them. After four pilots were killed in flight, he publicly stated that if the team suffered an accident during his tenure he would resign. We are grateful that he took that stand. I have had the honor of watching the Thunderbirds in action on many occasions. They display the power and awesomeness of our Air Force and the dedication of people like Bill Creech who lift this nation to new heights so that we may all continue to soar.

To Bill's wife, Caroline, I offer the condolences and admiration of Nevadans and Americans. This great Nation

that Bill Creech risked his life for and lived his life for will always be grateful for his contributions.

THE SMALL BUSINESS ADMINISTRATION 50TH ANNIVERSARY REAUTHORIZATION ACT OF 2003

Mr. BOND. Mr. President, I rise today in recognition of S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. This bill revitalizes existing SBA programs and brings to life new pilot programs, all of which promote the demands and growth of the small business community. I commend the Chair, Senator SNOWE, for passing this bill through the Small Business Committee with unanimous support.

Upon final passage of this bill, we will take a giant step toward improving and refining the SBA and its programs. With the new provisions that enhance Agency recordkeeping and realign program operations under a more appropriate department, it is clear that Agency accountability and oversight will be strengthened. In addition, small businesses will benefit from improvements in the lending programs, greater access to capital, new innovations in the entrepreneurial programs, expansion of procurement programs, and improved training and assistance provisions.

According to the SBA's Office of Advocacy, small businesses represent more than 99.7 percent of all employers, employ more than half of all private sector employees, and generate 60 to 80 percent of net new jobs annually. Given these statistics and the difficult financial times we face in today's economy, I urge Congress to continue to nurture the needs of the small business community. We must show enthusiastic support for this bill, which I am confident will provide the SBA with greater tools to keep pace with the ever-changing global economy and to serve the small business community in a more effective and efficient manner. To act otherwise could jeopardize this Nation's much-needed job growth and innovation.

I refer to an important small business program titled the Historically Underutilized Business Zone Contracting Program, or as it is commonly referred to, the HUBZone Program. This small-business program was one of my personal priorities as former chairman of the Senate Small Business Committee. It was established in 1997 with the intent to create jobs in severely economically distressed communities, both rural and urban. In addition, the HUBZone program provides a federal contracting preference as an incentive for small businesses to locate in these low-income areas. The jobs created by the HUBZone Program bring money to those blighted areas and create a demand for more goods and services, which leads to the creation of more small businesses and increased commerce in the area. Little

by little, the community's economic base is reborn.

Today, there are over 8,378 small businesses that are HUBZone certified, and the Government has procured approximately \$1.7 billion in HUBZone contracting this year. The SBA reports that in fiscal year 2001, each dollar spent on the program yielded a return of \$288 in contract awards and as a result, the program helped to create 12,782 jobs in the U.S., approximately 8,974 of which were located in distressed areas.

Based on fiscal year 2001 procurement statistics, HUBZone firms increased employment 33 percent to 50 percent as a result of contract awards. Nearly 50 percent of HUBZone firms increased capital expenditures as a result of receiving contracts in fiscal year 2001. As our economy struggles during these difficult times, this vital program will continue to bring jobs to our Nation's inner cities, poor rural counties, and Indian reservations.

I urge Congress to support the HUBZone Program in its current form along with the new amendments provided in the Senate's version of the SBA Reauthorization Act of 2003. Any additional changes not supported by the full Senate Committee on Small Business could seriously undermine the original intent of the program.

Thank you for the opportunity to speak today on behalf of the small business community. I encourage my colleagues to support Senator SNOWE and S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003.

FINDING THE CONNECTION

Mr. VOINOVICH. Mr. President, it has been nearly 2 years since terrorists attacked the United States on September 11, 2001. As our Nation prepares to honor the memory of those who were lost on that tragic day, I would like to submit for the RECORD a piece that I read in yesterday's Cleveland Plain Dealer that was written by Christy Ferer, whose husband, Neil Levin, perished in the World Trade Center. I was deeply moved by her words, which serve to remind us of the reason behind our ongoing efforts to promote the virtues of freedom and democracy as our men and women in uniform remain on the front lines in the fight against terrorism in Iraq, Afghanistan, and other parts of the world. We owe them our deepest gratitude.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, Sept. 8, 2003]

FINDING THE CONNECTION

(By Christy Ferer)

When I told friends that I was making a pilgrimage to Iraq to thank the U.S. troops, their reactions were underwhelming at best.

Some were blunt: "Why are you going there?"

They couldn't understand why it was important for me, a Sept. 11 widow, to express my support for the men and women stationed today in the Persian Gulf.

The reason seemed clear, as far as I was concerned. I was going not to embrace the war, but to embrace the warriors.

I didn't intend to use the emotional capital generated by my connection to Sept. 11, 2001, to defend the U.S. presence in the Gulf. And I am certainly aware there is no proof yet that Saddam Hussein was linked to those terrorist attacks.

But I wanted to go to Iraq because I am the daughter of a World War II veteran who was decorated with a Purple Heart, and because I am the widow of a man who lost his life in what some feel was the opening salvo of World War III.

I wanted, needed, to honor my father and my husband, their service and sacrifice, by standing before those who were now making sacrifices and serving our country.

But my friends' reactions were so politely negative that I began to doubt my role in the first USO/Tribeca Institute tour into newly occupied Iraq. Besides, with Robert DeNiro, Wayne Newton and Rebecca and John Stamos, who needed me? I'm hardly a celebrity.

Did U.S. soldiers really want to hear about my husband, Neil Levin, who went to work as director of the Port Authority of New York on Sept. 11 and never came home?

How would they relate to the two other bereaved people traveling with me—Ginny Bauer, a N.J. homemaker and mother of three who lost her husband, David, and former Marine Jon Vigiano, who lost his only sons, Jon, a firefighter, and Joe, a policeman?

As we were choppered over the bleached deserts, I wondered if I'd feel like a street hawker, passing out Port Authority pins and baseball caps as I said "Thank you" to the troops. Would a hug from me compare to hugs from a Victoria's Secret model, or the Dallas Cowboys cheerleaders?

The first "meet and greet" made me weep. My own daughters are old enough to be soldiers. Here were their peers—18-years-olds, armed with M-16s and saddlebags of water in the 120-degree heat. The soldiers swarmed around the stars for photos and autographs. Then it was announced that a trio of Sept. 11 family members was also in the tent.

It was as if an emotional dam had burst.

Some wanted to touch us, as if they needed a physical connection to our sorrow, and living proof of one reason they were there. One mother of two from Montana told me she'd signed up because of Sept. 11, and dozens of others said the same. One young man showed me his metal bracelet engraved with the name of victim he'd never known and that awful date none of us will ever forget.

At every encounter with the troops, there was a surge of reservists—firefighters and cops, including many who had worked in the rubble of Ground Zero—who had come to exchange a hometown hug. Their glassy eyes still didn't allow anyone to penetrate to the place where their trauma is lodged, the trauma that comes with devastation unimaginable to those who didn't witness it. It's there in me, too. I forced my way downtown on that terrible morning, convinced I could find Neil beneath the rubble.

I was not prepared for the soldiers who showed us the World Trade Center memorabilia they'd carried with them into the streets of Baghdad. Others had been holding in stories of personal Sept. 11 tragedies that had made them enlist.

To those men and women, it didn't seem to matter that Saddam's regime had not produced the murderers of Sept. 11. What they made clear to me was their belief that des-

potic rulers like Saddam fuel the volatile anti-American sentiment that breeds such terrorism: They feel they are in Iraq to stabilize the Gulf region, and thus to protect U.S. soil.

At Saddam Hussein International Airport, where Kid Rock gave an impromptu concert in a steamy hangar, Capt. Jorge Vargas from the Bronx tapped me on the back. He'd enlisted in the Army after some of his wife's best friends were lost at the World Trade Center. When he saw the piece of recovered metal from the Towers that I had been showing to a group of soldiers, he grasped for it as if it were a grail.

Then he handed it to Kid Rock, who passed the precious metal through the 5,000 troops in the audience. They lunged at the opportunity to touch the steel that symbolized what so many of them felt was the purpose of their mission. Looking into that sea of khaki gave me chills, even in the blistering heat.

When I got to the microphone, I told the soldiers we hadn't made the journey to hear condolences, but to thank them and to say that the families of Sept. 11 think of them every day. The crowd interrupted me with chants of "U.S.A.! U.S.A.! U.S.A.!" Many cried.

What happened next left me with no doubt as to why I had come.

There I was on stage, quaking before thousands of troops because I was to present a small piece of the World Trade Center steel to Gen. Tommy Franks. As I handed him the icy gray block, his eyes welled up.

I was stunned when the proud four-star general was unable to hold back the tears, which streamed down his face as he stood at center stage before his troops. The men and women in khaki fell silent.

And he turned from the spotlight to regain his composure, I put my arms around him and tried to comfort both of us with an embrace.

ADDITIONAL STATEMENTS

TRIBUTE TO CHESTERFIELD SMITH

● Mr. GRAHAM of Florida. Mr. President, I rise today to pay tribute to the memory of an extraordinary Floridian who was also an American treasure—Chesterfield Harvey Smith.

On Wednesday, July 16, 2003, we lost this resounding voice of conscience to cardiopulmonary complications at Doctor's Hospital in Coral Gables, FL. He was 85.

Chesterfield Smith often called himself a "country lawyer," but he was a pillar of this Nation's legal community. After graduating from the University of Florida's law school in 1948, he joined a law firm that he led through mergers and acquisitions to become one of the country's largest, Holland & Knight. He served as president of the Florida Bar Association in 1964, and then became president of the American Bar Association in 1973.

While ABA president, Mr. Smith condemned President Richard Nixon following the firings of an attorney general and others in the so-called "Saturday Night Massacre" during the Watergate scandal. Mr. Smith's comment—"no man is above the law"—has been described as a turning point in public

opinion. Smith urged that an independent special prosecutor be employed to investigate the President.

"The justice system was being torn down by Nixon's actions," Mr. Smith recalled in an interview with *The Associated Press* in 1999.

Mr. Smith challenged members of the legal profession to provide quality, affordable legal services for all persons in need, insisting that law firms fill in where government funding came short. Always a visionary, he proposed testing of lawyers to weed out incompetents and was an early advocate of equal rights for women and minorities. Among his many honors, in 1969, the Florida State Chamber of Commerce named Chesterfield Smith the first "Distinguished Floridian of the Year," and he was subsequently honored as a "Great Floridian" by Governor Lawton Chiles and the Florida Cabinet.

In 2002, Supreme Court Justice Ruth Bader Ginsburg presented Mr. Smith with an award in recognition of his lifelong commitment to pro bono service.

Born in the small town of Arcadia in southwest Florida, Chesterfield served from 1934 to 1938 with the Florida National Guard. He joined the Army in 1940, prior to Pearl Harbor, where he quickly achieved the rank of Technical Sergeant and was recommended for Officer Candidate School. After attending OCS and being commissioned as a Field Artillery Officer, he served during World War II combat as the Commander of B Battery with the 390th Field Artillery Battalion, 94th Infantry Division, that participated in the Northern France, Rhineland, Ardennes-Alsace and Central Europe Campaigns. His bravery in these campaigns resulted in his being awarded the Bronze Star Medal. He was also awarded the American Defense Service Medal, American Campaign Service Medal, European Middle Eastern Campaign Medal with four Bronze Service Stars and the World War II Victory Medal.

Chesterfield was discharged from the Army, having attained the rank of Captain, in December 1945. He served 6 more years in the Army Reserve, retiring in 1951 with the rank of Major.

After the war, he returned to Florida and graduated from law school at the University of Florida. He joined the firm of Holland, Bevis & McRae in Bartow and quickly made partner. Later, under Smith's leadership, the firm merged with the Tampa firm Knight, Jones, Whitaker and Germany in 1968, and the new firm became Holland & Knight. Smith served as the firm's managing partner for 18 years. Today, Holland & Knight is our nation's eighth largest firm and sets the standard for public service.

In short, this son of Florida bravely served his Nation as a member of the armed services and as a civilian. He truly was worthy of what was his most cherished title: "Citizen Smith."

I urge my colleagues to join me in expressing heartfelt condolences to Ches-

terfield's widow, Jacqueline Allee Smith of Coral Gables, FL and in expressing our appreciation for this great man's lasting legacy. ●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3964. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Grapefruit and Oranges (Texas and States Other Than Florida, California, and Arizona); Grade Standards" (Doc. No. FV-00-304) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3965. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Grades of Pistachio Nuts in the Shell and United States Standards for Grades of Shelled Pistachios" (Doc. No. FV-98-304) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3966. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Increased Assessment Rates" (Doc. No. FV030-916-4 IFR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3967. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate and Defined Fiscal Period" (Doc. No. FV03-958-1 FR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3968. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Doc. No. FV03-916-2 IFR-A) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3969. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Change in Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States" (Doc. No. FV03-996-2 IFR) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3970. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "Milk in the Upper Midwest Marketing Area—Final Order" (Doc. No. DA-01-03) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3971. A communication from the Administrator, Agricultural Marketing Service, Dairy Programs, transmitting, pursuant to law, the report of a rule entitled "Milk in the Central Marketing Area—Technical Amendment" (Doc. No. DA-03-09) received on

September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3972. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of Mexican States of Baja California, Baja California Sur, Chihuahua, and Sinaloa" (Doc. No. 01-074-2) received on August 13, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3973. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances for Emergency Exemptions" (FRL#7323-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3974. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Doc. No. FV03-993-4 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3975. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Mandatory Outgoing Prune Inspection and Quality Requirements, and Modification of the Undersized Prune Disposition Requirements Under the Marketing Order; and Suspension of the Prune Import Regulation" (Doc. No. FV03-993-3 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3976. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Doc. No. FV03-920-1 FR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3977. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Additional Storage Payments Regarding Reserve Raisins Intended for Use as Cattle Feed" (Doc. No. FV03-989-7 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3978. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Revision of Varietal Types" (Doc. No. FV03-989-6 IFR) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3979. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "Disqualification for Crop Insurance Fraud" (RIN0560-AG70) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3980. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "2003 Agricultural Assistance Act—Crop Disaster Program and Livestock Assistance Program" (RIN0560-AG95) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3981. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1794, Environmental Policies and Procedures" (RIN0572-AB73) received on August 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3982. A communication from the Administrator, Food and Safety Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Calendar Year 2003" (RIN05823-AC94) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3983. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Testing of Plants Genetically Engineered to Produce Industrial Components" (Doc. No. 03-038-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3984. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Removal of Areas from Quarantine" (Doc. No. 02-117-9) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3985. A communication from the Regulatory Contact, Grain Inspection, Packers, and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Packer Marketing Contracts; Contract Library" (RIN0580-AA71) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3986. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propylene Carbonate; Exemption from the Requirement of a Tolerance" (FRL#7323-7) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3987. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerance" (FRL#7324-1) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3988. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment" (FRL#7323-9) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3989. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions" (FRL#7321-3) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3990. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3991. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin, Pesticide Tolerances for

Emergency Exemptions" (FRL#7319-4) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3992. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances for Emergency Exemptions" (FRL#7320-2) received on September 2, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3993. A communication from the Chief of Staff, Trade and Development Agency, transmitting, pursuant to law, a report of Agency relative to Colombia; to the Committee on Appropriations.

EC-3994. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Federal Transit Administration; to the Committee on Appropriations.

EC-3995. A communication from the Chief of Staff, Trade and Development Agency, a report of Agency funding obligations relative to Colombia and Pakistan; to the Committee on Appropriations.

EC-3996. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Procurement Authority for Environmental Services for Military Installations" (DFARS Case 2003-D004) received on August 11, 2003; to the Committee on Armed Services.

EC-3997. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Buy-to-Budget Acquisition of End Items" (DFARS Case 2002-D036) received on August 11, 2003; to the Committee on Armed Services.

EC-3998. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to the conclusion of test programs regarding the transportation of household good; to the Committee on Armed Services.

EC-3999. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4000. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4001. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's Consolidated Financial Statement, Independent Auditor Report, and Opinion of the Auditor General of the Army; to the Committee on Armed Services.

EC-4002. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Transactions Other than Contracts, Grants, or Cooperative Agreements for Prototype Projects" (RIN0720-AA49) received on August 11, 2003; to the Committee on Armed Services.

EC-4003. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the C-5 Modernization Program and Alternative Live Fire Test and Evaluation Test Plan; to the Committee on Armed Services.

EC-4004. A communication from the Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the Corps' 2001 Annual Audit and Annual Report; to the Committee on Armed Services.

EC-4005. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, a report relative to a decision to convert to contractor performance a function of the Department of Defense (DoD) performed by 307 DoD civilian employees; to the Committee on Armed Services.

EC-4006. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Army, received on August 11, 2003; to the Committee on Armed Services.

EC-4007. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Special Operations/Low Intensity Conflict, received on September 2, 2003; to the Committee on Armed Services.

EC-4008. A communication from the Assistant Secretary, Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "Distribution of Fiscal Year 2003 Indian Reservation Roads Funds" (RIN1076-AE34) received on August 13, 2003; to the Committee on Indian Affairs.

EC-4009. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation dated June 5, 2003; to the Committee on the Budget.

EC-4010. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-137-FOR) received on August 13, 2003; to the Committee on Energy and Natural Resources.

EC-4011. A communication from the Commissioner, Federal Election Commission, transmitting, the report of a Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations; to the Committee on Rules and Administration.

EC-4012. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; the Spine" (FIM2900-AL68) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4013. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Medication Prescribed by Non-VA Physicians" (RIN2900-AL68) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4014. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War" (RIN2900-AL36) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4015. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Increases in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900-AL41) received on August 22, 2003; to the Committee on Veterans' Affairs.

EC-4016. A communication from the Director, Regulations Management, Veterans Benefits Administration, transmitting, pursuant

to law, the report of a rule entitled "Filipino Veterans Eligible for Hospital Care, Nursing Home Care, and Medical Services" (RIN2900-AL18) received on August 22, 2003; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 1593. A bill to amend the Head Start Act to improve provisions relating to updating population data; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. DASCHLE, Mr. DODD, Mr. LIEBERMAN, Mr. JOHNSON, Mr. BINGAMAN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. LEAHY, and Mr. DURBIN):

S. 1594. A bill to require a report on reconstruction efforts in Iraq; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 1595. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1596. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building"; to the Committee on Governmental Affairs.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. EDWARDS, Mrs. DOLE, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Ms. SNOWE):

S. 1597. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1598. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1599. A bill to require the Secretary of Homeland Security to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1600. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1601. A bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. DODD, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 1602. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. ALLEN, Mr. SPECTER, Mr. ENZI, and Mr. KYL):

S. Res. 219. A resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements; to the Committee on Foreign Relations.

By Ms. MURKOWSKI:

S. Res. 220. A resolution designating the ninth day of September of each year as "National Fetal Alcohol Syndrome Awareness Day"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. MIKULSKI, Mr. EDWARDS, Mr. KERRY, Mr. PRYOR, and Mr. LEVIN):

S. Res. 221. A resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. LEVIN, Mr. KYL, Mr. BAYH, Mr. HATCH, Mr. GRAHAM of Florida, Mr. LEAHY, Mr. SARBANES, and Mr. HAGEL):

S. Con. Res. 66. A concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. VOINOVICH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 170, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and further purposes.

S. 290

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 290, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 349, a bill to amend title II of

the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 606

At the request of Mr. GREGG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 642

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 642, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail.

S. 780

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 971

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 971, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1201

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1201, a bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1381

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1434

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

S. 1528

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1528, a bill to establish a procedure to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1550

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1550, a bill to change the 30-year treasury bond rate to a composite corporate rate, and to establish a commission on defined benefit plans.

S. 1587

At the request of Mr. BIDEN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 202, a resolution express-

ing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 209

At the request of Mr. JEFFORDS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from New York (Mr. SCHUMER), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. Res. 209, a resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 212

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 212, a resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

AMENDMENT NO. 1543

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. EDWARDS), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), the Senator from

Vermont (Mr. JEFFORDS), the Senator from Rhode Island (Mr. REED), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Ms. CANTWELL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Ms. STABENOW), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1543 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1552

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 1552 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1561

At the request of Mr. DEWINE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 1561 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1562

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1562 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1566

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1566 proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1588

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1588 intended to be proposed to H.R. 2660, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1593. A bill to amend the Head Start Act to improve provisions relating to updating population data; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, it's been more than a year and a half since the No Child Left Behind Act became law. By passing that bill into law, we reaffirmed our commitment to provide every American child with a quality education.

The education of our children must be one of our top priorities, because they are the future of this country. We have to give them the tools they need to succeed.

Unfortunately, the fight against terrorism and the war in Iraq have driven education off the national agenda. This is especially disappointing now because public schools across the Nation are in jeopardy as States struggle to close unprecedented budget deficits. At a time when NCLB is imposing new unfunded mandates on States and local governments, schools have watched helplessly as their budgets have been slashed. Many of these schools are located in poor and rural areas, where the achievement gap is widest. These schools simply don't have the resources they need to do their job, and children are being left behind as a result.

Some States, including Nevada, face an additional problem. These States have extremely high rates of population growth, and as a result they find themselves in a never-ending race to fund the growing demand for education. The formulas that allocate Federal education dollars usually don't factor high growth rates into their calculations. So, schools in these States find their backs against the wall even in the best fiscal conditions. You can imagine how precarious their situation is in a time of record federal and state budget deficits.

I mentioned my State, Nevada. The condition of its public schools is, in many ways, quite dismal. Nevada has one of the highest high school dropout rates in the country and one of the lowest high school graduation rates. It is near the bottom in performance on national reading, writing, and math tests. Per-pupil, Nevada spends less money on its students than all but five other States. I could cite many other statistics, but you get the picture—and it isn't pretty.

There is no magic fix for the problems facing schools in Nevada, or any other state. And because schools are primarily the responsibility of individual states, there is only so much the federal government can do to help. But I believe Nevada's problems stem in part from the fact that its high growth rate prevents it from receiving its fair share of Federal education funding. Nevada is the fastest growing State in the Nation by a wide margin. Its schools

struggle each year to make room for new students. Despite all this, Nevada is dead last in Federal per-pupil education funding. And I want to reiterate that this problem is not unique to Nevada—schools in other states also face budget strains as a result of high population growth rates.

These States deserve their fair share of federal education dollars. It is an issue of fundamental fairness. I hope that we will address this problem in a comprehensive manner the next time we revisit NCLB. In the meantime, however, we should take this opportunity to correct a similar flaw in the way we fund Head Start.

Throughout its 38-year history, Head Start has helped put millions of at-risk children on the path to success by giving them the social and academic skills they need to succeed in elementary school. It is a textbook example of a Federal program that has worked.

Consider some of the statistics. At-risk children who participate in a quality early childhood education program are 33 percent more likely to graduate from high school, and 25 percent less likely to repeat a grade. Since a year of public education for one student costs approximately \$5,900, it is safe to say that Head Start has saved taxpayers millions of dollars.

Young women who participated in a quality early childhood education program have 33 percent fewer children out of wedlock, and are 25 percent less likely to become teen mothers. Every dollar we invest in Head Start translates into four dollars of benefits for at-risk children, their families, and American taxpayers.

So as you can see, Head Start is a critical component of public education in this country. Its holistic approach also addresses many of the underlying causes of poor academic performance by providing medical services and guidance for parents of at-risk children.

But State budget crises have placed Head Start programs under siege along with all other aspects of public education—and programs in high-growth states are among the hardest hit. Nevada has seven centralized Head Start agencies that administer almost 50 Head Start programs throughout the State. At current funding levels, these programs serve approximately 2,500 at-risk children not nearly as many as they could serve with adequate resources.

We need to do everything in our power to help Head Start programs meet demand, because better-prepared students make elementary and secondary schools more effective. And because Head Start is a partnership between the Federal Government and States, Congress has the power to make a real difference on this issue.

That is why I am today introducing the High Growth Head Start Assistance Act. It will reward high-growth States, such as Nevada, for their commitment to Head Start by ensuring that programs in their state receive their fair share of Federal funds.

Congresswoman BERKLEY has introduced a similar bill in the House of Representatives, and I applaud her leadership on this issue.

This bill will make a difference in the lives of thousands of at-risk children in Nevada and across the Nation. It is a matter of fundamental fairness. Most important, it represents a small but significant step toward fulfilling the promise we made a year and a half ago—a promise to leave no child behind.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UPDATING POPULATION DATA.

Section 640(a)(4) of the Head Start Act (42 U.S.C. 9835(a)(4)) is amended in the flush matter following subparagraph (B)—

(1) by striking "shall use the most recent data available" and inserting "shall use data that is not more than 2 years old"; and

(2) by striking "use of the most recent data available" and inserting "such data".

By Mrs. FEINSTEIN (for herself, Mr. DASCHLE, Mr. DODD, Mr. LIEBERMAN, Mr. JOHNSON, Mr. BINGAMAN, Mrs. LINCOLN, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. LEAHY, and Mr. DURBIN):

S. 1594. A bill to require a report on reconstruction efforts in Iraq; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators DASCHLE, DODD, LIEBERMAN, BINGAMAN, JOHNSON, FEINGOLD and LINCOLN to introduce legislation to require the President to report to Congress on his vision for a democratic, economically viable, and politically stable Iraq, his plan for achieving those goals, and an estimate on how much this is going to cost.

After months of dodging questions, giving half-answers, and ignoring Congressional requests, the time has come for this Administration to level with the American people and Congress and spell-out its plan for rebuilding a country torn apart by years of dictatorial rule, ethnic strife, war, and terror.

Our legislation requires the President within 60 days of the enactment of this act to report to Congress on: the current economic, political, and military situation in Iraq including the number, type and location of attacks on U.S. and Coalition military and civilian personnel in the previous 60 days; a discussion of the measures taken to protect U.S. troops serving in Iraq; a detailed plan for the establishment of civil, economic and political security in Iraq, including the restoration of basic services such as water and electricity and the construction of schools, roads, and medical clinics in Iraq; the current and projected monetary costs incurred by the United States, by Iraq, and by the international community; actions taken

and to be taken by the Administration to secure increased international participation in peacekeeping forces and in the economic and political reconstruction of Iraq; a detailed time-frame and specific steps to be taken for the restoration of self-government to the Iraqi people; cost estimates for achieving those goals; and U.S. and international military personnel requirements for achieving those goals.

I am pleased that, as Secretary of State Colin Powell announced last week, the Administration has finally decided to seek an additional United Nations Security Council Resolution authorizing increased U.N. participation in multinational peacekeeping forces and the political and economic reconstruction of Iraq.

Nevertheless, President Bush waited far too long to seek additional help and, as a result, we will face an ever greater challenge in rebuilding Iraq in the months and years ahead. And this past Sunday, President Bush announced his intention to seek an additional \$87 billion to fund reconstruction efforts and military and intelligence operations in Iraq and Afghanistan.

What we need now is a plan on how to rebuild Iraq, an estimate on how much it is going to cost, what personnel, both military and civilian, U.S. and international, will be needed, and what the end game will look like.

Our troops, along with our British and Australian allies, performed brilliantly in executing Operation Iraqi Freedom. Their unmatched skill, bravery, and professionalism made us all proud. They overthrew a tyrannical regime in three weeks and, for the first time in over thirty years, brought hope to millions of Iraqis. We owe them a tremendous debt of gratitude.

But I believe United States troops assumed too great a burden in terms of manpower and exposure to risk, and will be forced to remain in Iraq longer than expected and at a higher financial cost.

Let us look at the facts.

Sixty-seven Americans have died in hostile action since the President declared an end to major combat operations on May 1, 2003. In total, 286 U.S. troops have died in Iraq, 146 since May 1.

One hundred and thirty-nine thousand U.S. troops are currently serving in Iraq, comprising 85 percent of coalition forces.

Four car bombings in the past month have killed 121 people, including the UN's top envoy to Iraq, Sergio Vieira de Mello.

Earlier this year, Secretary of Defense Donald Rumsfeld stated that the United States is spending approximately \$4 billion a month in Iraq and, given the President's statement Sunday, there is no indication that this figure will go down anytime in the near future.

These are enormous commitments, and yet, we do not have a clear indica-

tion from the Administration about its intentions in Iraq. And that is why I am introducing this legislation.

We have assumed an enormous responsibility in Iraq and we must stay the course. But let us hear from the Administration on how it intends to stay that course and where that course will lead us. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Although President George W. Bush declared an end to major combat operations in Iraq on May 1, 2003, as of early September 2003, conditions in parts of Iraq continue to be unstable, and President Bush has not yet provided Congress with a detailed plan that outlines the strategic objectives of Operation Iraqi Freedom, explains how and when the President plans to accomplish these objectives, and estimates the costs to be borne by United States taxpayers and the international community.

(2) On September 7, 2003, President Bush announced his intention to seek an additional \$87,000,000,000 to fund reconstruction efforts and military and intelligence operations in Iraq, Afghanistan, and elsewhere.

SEC. 2. REPORT.

Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth—

(1) a description of the economic, political, and military situation in Iraq, including the number, type, and location of attacks on United States and other Coalition military and civilian personnel in the preceding 60 days;

(2) a discussion of the measures taken to protect United States troops serving in Iraq;

(3) a detailed plan for achieving the goal of establishing civil, economic, and political security in Iraq, including the restoration of basic services such as water and electricity and the construction of schools, roads, and medical clinics;

(4) the monetary costs currently incurred and projected to be incurred by the United States, the United Nations, Iraq, and the international community;

(5) the actions taken and to be taken by the President to secure increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq;

(6) a detailed schedule and specific steps for achieving the goal of restoring self-government to the Iraqi people; and

(7) United States and international military and civilian personnel requirements.

By Mr. KERRY:

S. 1595. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and

for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, the continuing activation of military reservists to serve in Iraq and the war on terror has imposed a tremendous burden on many of our country's small businesses. Too many small businesses, when their employees are asked to leave their jobs and serve the Nation, are unable to continue operating successfully and face severe financial difficulties, even bankruptcy. At the same time, more than one-third of military reservists and National Guard members suffer a pay cut when they're called to defend our Nation. Large businesses have the resources to provide supplemental income to reservist employees called up for active duty and to replace them with a temporary employee. However, many small businesses are unable to provide this assistance or temporarily replace the employee. I believe the Federal Government must take action to help small businesses weather the loss of an employee to active duty and protect small business employees and their families from suffering a pay cut to serve our Nation. That is why I am introducing legislation that will provide an immediate tax credit to assist both military reservists who are called to active duty and the small businesses who must endure their absence.

The Small Business Military Reservist Tax Credit Act that I am introducing today will provide immediate help to affected small businesses through a Federal income tax credit and a reduced withholding requirement to help pay the difference in salary for a reservist called up to active duty and the cost of temporarily replacing that employee while he or she is serving our Nation. Specifically, the bill will provide a tax credit of up to \$12,000 to any very small business, defined as any business with up to 50 employees, whose employee has been called up for active duty. Up to \$6,000 can be used to assist in paying any difference in salary for the activated reservist and up to an additional \$6,000 can be used to help hire a temporary replacement. For small manufacturers with up to 100 employees, the bill will provide a tax credit of up to \$20,000, up to \$10,000 to hire a temporary replacement. This tax credit is critical to immediately help struggling entrepreneurs keep their small businesses running after the loss of an employee to temporary military service. Too many American small manufacturers are already facing a difficult economy and strong international competition. This legislation provides higher thresholds for small manufacturers because they need greater help and employ more technical workers who are more expensive and difficult to replace. It will also help cushion the financial cost of being a citizen soldier for our reservists. I am pleased that this legislation is supported by the Reserve Officers Association.

Since 1973, the United States has built an all-volunteer military of which reservists are an essential part. Our reservists are much more than weekend warriors. When they are called to active duty, they are a critical ingredient of any long-term or significant deployment of American forces. Everyone knows the contributions our reservists have made in the Army, Navy, Air Force, Marines and Coast Guard. They have been serving our country with distinction and pride for many years and should not be penalized financially for their honorable service. The use of reservists is a significant way to reduce the costs of maintaining a standing army and the cost of carrying a full standing army, in lieu of having a critical reservist component, far outweighs the small, targeted tax credit developed in this legislation.

Reservists have become a vital component of U.S. forces in Iraq and the war on terror. On September 14, 2001, President Bush issued Executive Order 13223 authorizing the activation of up to 1 million military reservists for up to two years of active duty. Since October 2002, there has been a presidentially approved ceiling of 300,000 on the number of reservists that can be on duty at any one time. Some 295,000 reserves have been called up cumulatively since the issuance of the original Executive Order. Today, there are about 181,500 reserves on active duty in the war against terrorism.

Just today, the Army announced that thousands of National Guard and Army Reserve forces will be required to extend their tours of duty. The new order requiring 12-month tours in Iraq and elsewhere means that many National Guard and Army Reserve troops could have their mobilizations extended anywhere from 1 month to 6 months. Extending tours of duty will make it more difficult for reservists, their families and the small businesses where they work to endure the hardships associated with serving our nation. It is imperative that we provide them with immediate assistance.

A recent story in the *Financial Times* demonstrates the heavy price that some small businesses are forced to pay when one of their employees is called up for active duty. Lt. Col. Stephen Brozak, a Marine reservist and small business partner, was called up for active duty in November 2002. In addition to being a partner in the small financial services firm, Westfield Bakerink Brozak, Stephen is the only research analyst in the San Diego-based company. Since Stephen left to serve our country, the company has been unable to continue working on the investment banking issues he covered. This has dramatically affected the company's profitability and bottom line. To compound the problem, this small business is unable to provide Stephen a salary while he is on active duty and cannot afford to hire a replacement. Small businesses, like Ste-

phen's, should not be crippled or incapacitated when their workers are called to serve our Nation. Our reservist soldiers who are called away from their jobs to serve our country should not have to endanger their family's finances to do so.

The United States Chamber of Commerce estimates that 70 percent of military reservists called to active duty work in small- or medium-size companies. Everyone knows that small businesses continue to be a most effective at creating new jobs and spurring economic growth nationwide. Small businesses employ over 50 percent of the nation's work force. Nationwide, small businesses are currently creating 75 percent of new jobs. Furthermore, many these small businesses provide quality goods and services that are a vital link in the supply chain for our national defense. Many these small companies need immediate help to keep their business going while their employees are sacrificing for our country in Iraq and elsewhere.

Many of our reservists left their companies in good shape. They were profitable, providing goods or services, creating jobs, adding to the tax base. Our nation should do everything possible to ensure that upon their return, reservists and their businesses to do suffer unnecessary hardships that ranges from impaired operations financial ruin; from deserted clients to layoffs, and even closure.

Beyond the hardship of leaving their families, their homes and their regular employment, more than one-third of military reservists and National Guard members face a pay cut when they're called for active duty in our armed forces. Many of these reservists have families who depend upon that paycheck to survive and can least afford a substantial reduction in pay. Unlike many big businesses that can afford to provide supplemental income to make up for the salary disparity for military reservists called to active duty, most small businesses cannot afford to provide this benefit. This makes it more difficult for small businesses to attract and keep workers. I think it is imperative that we help families of reservists maintain their standard of living while their loved one serves our nation. We must ensure that our great tradition of citizen soldiers does not fade or stop because of the effect service has on work and family.

Back in 1999, I wrote the Military Reservist Small Business Relief Act, which was enacted into law during the 106th Congress and authorized the Small Business Administration (SBA) to defer existing loan repayments and to reduce the interest rates on direct loans that may be outstanding, including disaster loans, for small businesses that have had a military reservist called up for active duty. It also established a low-interest economic injury loan program administered by the SBA through its disaster loan program. These loans have been available to pro-

vide interim operating capital to any small business when the departure of a military reservist for active duty causes economic injury. According to published reports, more than 10,000 small businesses have applied for these loans since August 2001. However, in today's economy, many small businesses are unable to take on additional debt to continue their operations. These small businesses need immediate tax relief to assist them in hiring a replacement and to pay their reservist worker who is away serving our country.

This bill will help every small business whose owner, manager or employee is called to active duty. Most immediately, this bill will assist those small businesses whose employees are in service in Iraq and elsewhere but the act also applies to future contingency operations, military conflicts, or national emergencies.

I ask all my colleagues to support this important legislation to help both military reservists and the small businesses they are forced to leave when they are called up for active duty.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. EDWARDS, Mrs. DOLE, Mr. HOLLINGS, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Ms. SNOWE):

S. 1597. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLEN. Mr. President, I rise today to introduce the Homestead Preservation Act which would make available low-interest loans to American workers who have been displaced by international trade so they can continue to make home mortgage payments. This legislation would provide needed mortgage payment assistance to these Americans facing difficult times.

While the relaxation of trade barriers and free trade agreements have opened some new markets to American products and services, it has also led to a decline in the U.S. manufacturing and textile industries. These are the jobs that hard working Americans have depended on for generations and plants and facilities that have helped to sustain communities for decades.

Americans are industrious, hard-working and innovative, but it is unfair to ask them to compete for employment with workforces that do not operate under comparable environmental or labor regulations and in countries that do not reciprocate and violate trade rules. I want to make sure that free trade is at the same time fair trade. The opening of the U.S. market offers great benefit to all Americans, but we should mitigate harm to people making a living in manufacturing or textiles. The People's Republic of China through their currency manipulations, dumping of wood bedroom furniture, textile commands and illegal

semiconductor taxation violate rules of fair trade. One can also look to the recent decision by the Department of Commerce finding that South Korean subsidies provided to Hynix Semiconductor, Inc. have caused great damage to U.S. computer chip manufacturers. As our government continues to follow international trade rules, we owe it to our workers to hold foreign governments accountable for their violations of these agreements.

Going forward, I pledge to take a hard look at all proposed free trade agreements to make sure the interests of the United States are not being compromised. It is essential in the negotiation of these new trade pacts not to place traditional U.S. industries at a distinct disadvantage. Free trade agreements have the opportunity to greatly enhance the economies of the U.S. and its partners, but they must offer generally equal benefits to people in both countries.

Unfortunately, recent years have seen the closing of numerous textile and manufacturing plants in the Commonwealth of Virginia and many can be attributed to international competition. These economic disasters are not unique to my Virginia alone. People in communities in our sister States of North Carolina, South Carolina and Georgia have experienced such disasters as well. People from Maine to Ohio to California understand and have endured these large layoffs. With each of these closings, a community is thrown into turmoil with families left wondering how ends can be met until new employment is found.

I understand no government program or assistance can substitute for a secure, well-paying job, but I believe the U.S. government can reasonably assist these families as they transition from one career to another. Presently, there are useful assistance programs that aid American workers seeking new employment, but unfortunately, there is nothing currently in place to protect what is usually a family's most valuable financed asset—their home.

The Homestead Preservation Act has been introduced to meet that need. My legislation would provide families vital temporary financial assistance enabling them to keep their homes and protect their credit ratings as they work toward strengthening and upgrading their skills and search for new employment. Individuals seeking to take advantage of this program would need to be enrolled in a job training or job assistance program. Training and education programs that focus on new technology and emerging industries would aid displaced workers in gaining a skill that will allow them to find a good-paying and secure job in a new field.

At a time when families are dealing with an uncertain future they should feel secure that food will be on the table and a roof will be over their heads. The loans to be provided by the Homestead Preservation Act would not

solve all of the problems facing unemployed workers, but they would provide important assistance for families facing the prospect of losing their home.

In closing, I would like to thank my colleagues Senators WARNER, EDWARDS, DOLE, HOLLINGS, GRAHAM, CHAMBLISS and SNOWE for joining me in introducing this legislation. They know and understand the hardship facing these families and I am grateful that they have signed on to help provide this needed assistance. When offered in the 107th Congress, this Homestead Preservation Act received tremendous bipartisan support. I would respectfully urge my colleagues to consider the value Americans place on owning a home and support this caring and needed initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

SEC. 2. MORTGAGE PAYMENT ASSISTANCE.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mort-

gage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2004 through 2008.

By Ms. SNOWE:

S. 1598. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, since the terrorist attacks of September 11th, 2001, we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw during the drafting and consideration of the airline security bill, the United States has not cornered the market on security innovations and measures—there is much that we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office (GAO) to initiate a study examining passenger rail security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the \$15 billion channel tunnel—or "Chunnel"—linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct GAO to complete, no later than June 2004, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1599. A bill to require the Secretary of Homeland Security to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation designed to enhance the security of our Nation's passenger rail network.

Before the terrorist attacks of September 11, 2001, boarding an Amtrak train was little harder than riding the subway—and in some ways it was easier, because you could purchase a ticket on board the train. Those days have passed, as Amtrak now requires photo identification and no longer permits ticket purchases on-board the train. But there has not been a similar change in the screening of baggage. The bill I am introducing today would create a new pilot initiative to screen passengers and carry-on baggage on the Amtrak passenger rail system. In addition, my legislation will examine ways to provide this screening, providing a proportional response that will reassure train passengers and step-up security.

As a member of the Senate Commerce Subcommittee on Surface Transportation, I believe that by conducting a limited test of security screening of passengers and carry-on baggage on certain Amtrak routes, we can determine the feasibility of ex-

panding screening to other Amtrak stations. Moreover, by starting with a cross-section of stations throughout the network, we can gain perspective on the expense, the infrastructure, and the personnel who might be needed to bring screening system-wide.

This legislation will direct the Department of Transportation to initiate a demonstration project at five of the ten stations with the heaviest passenger traffic. Amtrak would be required to conduct random passenger and carry-on baggage checks or screening at these stations. Under the legislation, the Secretary of Transportation would be given authority to select additional stations in order to determine how screening works at smaller facilities. The bill envisions examination of a variety of X-ray and explosive detection devices, and metal detectors that would help assure safety on Amtrak.

I urge my colleagues to join me in a strong show of support for this legislation.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1600. A bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUE to introduce the Indian Needs Assessment and Program Evaluation Act of 2003.

Recently, a significant report has been issued that, once again, calls into question the equity and effectiveness of Federal spending on Indian programs.

This is not a new problem and the U.S. Civil Rights Commission's report entitled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" shows that the volume and methodologies of Federal spending are still both off the mark.

The Commission's report found an ongoing failure to provide funds for the health, education and safety of Indian communities at levels equivalent to other U.S. populations and determined that, despite many studies, "no coordinated, comprehensive Federal effort has been made to audit spending and develop viable solutions."

The Commission's Report recommended each of the six agencies primarily responsible for delivery of Federal services to Indians to: (1) conduct internal monitoring of its spending and budgeting for Indian programs; (2) ensure better coordination with other agencies; and (3) monitor unmet needs. It also urged Congress to appropriate funds to meet the unmet needs of Indian people and urged the Office of Management and Budget (OMB) to create uniform standards for tracking and spending on Indian programs.

The bill I am introducing today will address these ongoing problems and bring a rigorous analysis to the actual needs of Indian people, gauge how Indian programs are funded, and better

tailor these programs so that needs are met and programs are carried out in an effective and efficient way.

The bill: 1. directs the Secretary of the Interior to develop a uniform method, criteria, and procedures for determining, analyzing, and compiling the program and service assistance needs of Indian tribes and Indians nationwide; 2. requires Federal agencies to conduct Indian Needs Assessments aimed at determining the actual needs of tribes and Indians eligible for programs and services administered by such agencies; 3. directs the Secretary to develop a uniform method, criteria, and procedures for compiling, maintaining, keeping current, and reporting to Congress all information concerning: (a) agency annual expenditures for programs and services for which Indians are eligible/ (b) services or programs specifically for the benefit of Indians; and (c) agency methods of delivery of services and funding; 4. requires Federal agencies responsible for providing services or programs to or for the benefit of tribes of Indians to: (a) file Annual Indian Program Evaluations with specified congressional committees; and (b) publish annual listings in the Federal Register of all agency programs and services for which Indian tribes may be eligible; 5. directs the Secretary to: (a) report to specified congressional committees on the coordination of Federal program and service assistance for which tribes are eligible; and (b) file a Strategic Plan for the Coordination of Federal Assistance for Indians.

I urge my colleagues to join me in supporting this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Needs Assessment and Program Evaluation Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States and the Indian tribes have a unique legal and political government-to-government relationship;

(2) under the Constitution, treaties, statutes, Executive orders, court decisions, and course of conduct of the United States, the United States has a trust obligation to provide certain services to Indian tribes and members of Indian tribes;

(3) Federal agencies charged with administering programs and providing services to or for the benefit of Indian tribes and members of Indian tribes have not provided Congress adequate information necessary to assess the adequacy of the programs and services meeting the needs of Indian tribes and members of Indian tribes, hampering the ability of Congress to determine the nature, type, and magnitude of those needs or the ability of the United States to respond to those needs; and

(4) Congress cannot properly fulfill its obligation to Indian tribes and Indian people unless it has an adequate store of information concerning the needs of Indian tribes and members of Indian tribes nationwide.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that Indian needs for Federal programs and services are known in a more certain and predictable fashion;

(2) to require that Federal agencies carefully review and monitor the effectiveness of programs and services provided to Indian tribes and members of Indian tribes;

(3) to provide for more efficient and effective cooperation and coordination of, and accountability from, the agencies providing programs and services, including technical and business development assistance, to Indian tribes and members of Indian tribes; and

(4) to provide to Congress reliable information regarding both Indian needs and the evaluation of Federal programs and services provided to Indian tribes and members of Indian tribes nationwide.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) NEEDS ASSESSMENT.—The term “needs assessment” means an assessment of the program and service needs of Indian tribes and members of Indian tribes, that includes, at a minimum, consideration of—

(A) the population of each Indian tribe (including the population of tribal members located in the service area of an Indian tribe, where applicable);

(B) the size of the service area;

(C) the location of the service area;

(D) the availability of similar programs within the geographical area to Indian tribes or tribal members; and

(E) socioeconomic conditions that exist within the service area.

(3) PROGRAM EVALUATION.—The term “program evaluation” means an evaluation report developed in accordance with section 4(b).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. NEEDS ASSESSMENTS AND PROGRAM EVALUATIONS.

(a) NEEDS ASSESSMENTS.—

(1) DEVELOPMENT OF METHOD, CRITERIA, AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation and coordination with tribal governments and with the Secretary of Agriculture, Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of Labor, Attorney General, Secretary of the Treasury, Secretary of Transportation, Secretary of Veterans Affairs, Administrator of the Environmental Protection Agency, Secretary of Housing and Urban Development, Secretary of Health and Human Services, and heads of other agencies responsible for providing programs or services to or for the benefit of Indian tribes or members of Indian tribes, shall develop a uniform method, criteria, and procedures for determining, analyzing, and compiling a needs assessment.

(2) NEEDS ASSESSMENTS.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, each Federal agency, in coordination with the Secretary, shall—

(A) conduct a needs assessment to determine the needs of Indian tribes and members of Indian tribes eligible for programs and services administered by the agency; and

(B) submit to the Committee on Appropriations and Committee on Indian Affairs of the

Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that describes the results of the needs assessment.

(b) PROGRAM EVALUATIONS.—

(1) DEVELOPMENT OF METHOD, CRITERIA, AND PROCURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a uniform method, criteria, and procedures for compiling, maintaining, updating, and reporting to Congress a program evaluation containing all information concerning—

(A) the annual expenditure by a Federal agency for programs and services for which Indian tribes and members of Indian tribes are eligible, with specific information including—

(i) the names of Indian tribes that are participating in or receiving each service;

(ii) the names of Indian tribes that have applied for and not received programs or services; and

(iii) the names of Indian tribes for which programs or services were terminated within the preceding fiscal year;

(B) programs or services specifically for the benefit of Indian tribes and members of Indian tribes, with specific information including—

(i) the names of Indian tribes that are currently participating in or receiving each program or service;

(ii) the names of Indian tribes that have applied for and not received programs or services; and

(iii) the names of Indian tribes for which programs or services were terminated within the preceding fiscal year; and

(C) the methods of delivery of the programs and services, including a detailed explanation of the outreach efforts of each agency to Indian tribes.

(2) PROGRAM EVALUATIONS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, each Federal agency responsible for providing programs or services for the benefit of Indian tribes or members of Indian tribes shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that describes the results of the program evaluation.

(c) ANNUAL LISTING OF TRIBAL ELIGIBLE PROGRAMS.—On or before February 1 of each year, each Federal agency described in subsection (b)(2) shall publish in the Federal Register—

(1) a list of all programs and services offered by the agency for which Indian tribes or members of Indian tribes are or may be eligible; and

(2) a brief explanation of the program or service.

SEC. 5. REPORT ON COORDINATION OF PROGRAMS AND SERVICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report detailing the coordination of Federal programs and service assistance for which Indian tribes and members of Indian tribes are eligible.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, after consultation and coordination with the Indian tribes, the Secretary shall submit to the Committee on Appropriations and the Committee on Indian Affairs of the Senate and the Committee on Appropriations and the Committee on Resources of the House of

Representatives a strategic plan for the coordination of Federal assistance for Indian tribes and members of Indian tribes.

(2) CONTENTS OF STRATEGIC PLAN.—The strategic plan under paragraph (1) shall contain—

(A) an identification of reforms necessary to the laws (including regulations), policies, procedures, practices, and systems of the agencies responsible for providing programs or services for the benefit of Indian tribes or members of Indian tribes;

(B) proposals for remedying the reforms identified in the plan; and

(C) other recommendations consistent with the purposes of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 1601. A bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUE to introduce the “Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003” to combat child abuse in Native American communities.

First enacted in 1990, the Indian Child Protection and Family Violence Prevention Act was aimed at prosecutions of Federal and tribal employees for child abuse and issues arising from child abuse and family violence.

The act established extensive reporting requirements and character investigations for Federal and tribal employees who have regular contact with Indian children, and provided funding for prevention and treatment programs.

Like so many social pathologies, American Indians are victimized by violence more than any other ethnic group.

Research also shows that Indian victims of violence by family members or intimate partners are more likely than any other ethnic group to be injured and need hospital care.

The act is expiring and needs to be reauthorized, but it also needs to include tougher criteria for background checks and a structured method for tribal assumption of child abuse prevention, prosecution and treatment programs.

The bill is designed to improve the ability of the tribes to combat child abuse in their communities, build tribal capacity, and identify the impediments to more effective prevention, investigation and prosecution of child abuse.

The bill also authorizes funding for building comprehensive tribal programs, and training and technical assistance—the cornerstones in developing the necessary expertise in the field. The bill will also facilitate establishment of safety measures for child

protection workers to reduce unnecessary stress and improve program effectiveness.

In its 2002 report entitled "Violence Against Women: Data on Pregnant Victims and Effectiveness of Prevention Strategies are Limited", the General Accounting Office cited the Centers for Disease Control and other researchers who found that there was a need for prevention strategies that incorporate cultural perspectives in serving ethnic populations. This bill will promote cultural perspectives by giving special considerations to tribal programs which incorporate traditional healing methods.

Abuse by the Federal and tribal employees was the main reason for enacting the 1990 Act, however, employees are not the only ones that come in contact with Indian children. The bill I am introducing today will expand the scope of positions subject to character investigations and include contractors who have regular contact with Indian children.

This bill clarifies the requirement that all positions within the Departments of Interior and HHS—not simply the Bureau of Indian Affairs and Indian Health Service—that have regular contact with children must undergo character investigations.

I ask Unanimous Consent that the text of the bill be printed in the RECORD and urge my colleagues to join me in supporting this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) finds that—

"(A) Indian children are the most precious resource of Indian tribes and need special protection by the United States;

"(B) the number of reported incidences of child abuse on Indian reservations continues to rise at an alarming rate, but the reduction of such incidences is hindered by the lack of—

"(i) community awareness in identification and reporting methods;

"(ii) interagency coordination for reporting, investigating, and prosecuting; and

"(iii) tribal infrastructure for managing, preventing, and treating child abuse cases;

"(C) improvements are needed to combat the continuing child abuse on Indian reservations, including—

"(i) education to identify symptoms consistent with child abuse;

"(ii) extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach, or otherwise have regular contact with Indian children;

"(iii) strategies to ensure the safety of child protection workers; and

"(iv) support systems for the victims of child abuse and their families; and

"(D) funds spent by the United States on Indian reservations for the benefit of Indian victims of child abuse or family violence are inadequate to combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims and their families.";

(B) in paragraph (2)—

(i) by striking "two" and inserting "the";

(ii) in subparagraph (B)—

(I) by inserting after "provide funds for" the following: "developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing, and decreasing such incidents and for"; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) implement strategies to increase the safety of child protection workers;

"(D) assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations; and

"(E) identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.";

and

(2) in subsection (b)—

(A) in paragraph (1), by striking "prevent further abuse" and inserting "prevent and prosecute child abuse";

(B) in paragraph (2), by striking "authorize a study to determine the need for a central registry for reported incidents of abuse" and inserting "build tribal infrastructure needed to maintain and coordinate databases";

(C) by striking paragraph (3);

(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking "sexual";

(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking "Area" and inserting "Regional";

(G) in paragraph (6) (as redesignated by subparagraph (D))—

(i) by inserting "child abuse and" after "incidents of"; and

(ii) by inserting "through tribally-operated programs" after "family violence";

(H) by inserting after paragraph (6) (as redesignated by subparagraph (D)) the following:

"(7) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse"; and

(I) by striking paragraph (8) and inserting the following:

"(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and".

SEC. 3. DEFINITIONS.

Section 403(3) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(3)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by adding "and" at the end; and

(3) by adding at the end the following:

"(C) any case in which a child is subjected to family violence;".

SEC. 4. REPORTING PROCEDURES.

Section 404(b) of the Indian Child Protection and Family Violence Prevention Act (25

U.S.C. 3203(b)) is amended by adding at the end the following:

"(3) COOPERATIVE REPORTING.—If—

"(A) a report of abuse or family violence involves an alleged abuser who is a non-Indian; and

"(B) a preliminary inquiry indicates a criminal violation has occurred; the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.".

SEC. 5. CENTRAL REGISTRY.

The Indian Child Protection and Family Violence Prevention Act is amended by striking section 405 (25 U.S.C. 3204) and inserting the following:

"SEC. 405. BARRIERS TO IMPLEMENTATION.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.

"(b) MATTERS TO BE EVALUATED.—In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the interagency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to Congress a report that describes the results of the study under subsection (a).

"(2) CONTENTS.—The report under paragraph (1) shall include—

"(A) any findings made in the study;

"(B) recommendations on ways to eliminate impediments described in subsection (a); and

"(C) cost estimates for implementing the recommendations.".

SEC. 6. CHARACTER INVESTIGATIONS.

Section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(including contracted and volunteer positions)," after "authorized positions"; and

(B) in paragraph (3), by striking the period at the end and inserting the following: "which—

"(A) shall include a background check, based on a set of fingerprints of the employee, volunteer or contractor that may be conducted through the Federal Bureau of Investigation; and

"(B) may include a review of applicable State criminal history repositories.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting after "who is" the following: "a volunteer or contractor or is"; and

(B) in paragraph (2), by striking "employ" and inserting "contract with, accept, or employ".

SEC. 7. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended—

(1) in subsection (a), by striking "sexual";

(2) by redesignating subsection (e) as subsection (f);

(3) by inserting after subsection (d) the following:

"(e) DEMONSTRATION PROJECT.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall establish demonstration projects to facilitate the development of a culturally-sensitive traditional healing treatment program for child abuse and family violence to be operated by an Indian tribe, tribal organization, or inter-tribal consortium.

“(2) APPLICATION.—

“(A) IN GENERAL.—An Indian tribe, tribal organization, or inter-tribal consortium may submit an application to participate in a demonstration project in such form as the Secretary of Health and Human Services may prescribe.

“(B) CONTENTS.—As part of an application under subparagraph (A), the Secretary of Health and Human Services shall require—

“(i) the information described in subsection (b)(2)(C);

“(ii) a proposal for development of educational materials and resources, to the extent culturally appropriate; and

“(iii) proposed strategies to use and maintain the integrity of traditional healing methods.

“(3) CONSIDERATIONS.—In selecting the participants in demonstration projects established under this subsection, the Secretary of Health and Human Services shall give special consideration to projects relating to behavioral and emotional effects of child abuse, elimination of abuse by parents, and reunification of the family.”; and

(4) in subsection (f) (as redesignated by paragraph (2))—

(A) by striking “there” and inserting “There”; and

(B) by striking “\$10,000,000 for each of the years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010, of which a specific sum shall be specifically set aside each year for the demonstration projects established under subsection (e).”.

SEC. 8. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a) by striking “area” and inserting “Regional”; and

(2) in subsection (b)—

(A) by striking “Secretary and” and inserting “Secretary.”; and

(B) by striking “Services” and inserting “Services, and the Attorney General”;

(3) in subsection (d)(5), by striking “area” and inserting “Region”; and

(4) in subsection (f)—

(A) in the second sentence, by striking “an area” and inserting “a Regional”; and

(B) in the last sentence, by inserting “developing strategies,” after “Center in”;

(5) in the second sentence of subsection (g)—

(A) by striking “an area” and inserting “a Regional”; and

(B) by striking “Juneau Area” and inserting “Alaska Region”; and

(6) in subsection (h), by striking “\$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010”.

SEC. 9. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting “coordination, reporting and” before “investigation”;

(B) in paragraph (2) by inserting “child abuse and” after “incidents of”;

(2) in subsection (d)—

(A) in paragraph (1)(C), by inserting “and other related items” after “equipment”; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking “, and” at the end and inserting a semicolon;

(ii) in subparagraph (C), by inserting after “responsibilities” the following: “and speci-

fy appropriate measures for ensuring child protection worker safety while performing responsibilities under this title”; and

(iii) by adding at the end the following:

“(D) provide for training programs or expenses for child protection services personnel, law enforcement personnel or judicial personnel to meet any certification requirements necessary to fulfill the responsibilities under any intergovernmental or interagency agreement; and

“(E) develop and implement strategies designed to ensure the safety of child protection workers while performing responsibilities under this Act.”;

(3) in paragraph (6), by striking “and” at the end;

(4) by redesignating paragraph (7) as paragraph (8);

(5) by inserting after paragraph (6) the following:

“(7) infrastructure enhancements to improve tribal data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine the most effective approaches and activities; and”

(6) by redesignating subsections (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively;

(7) in paragraph (1) of subsection (g) (as redesignated by paragraph (6)), by striking subparagraph (A) and inserting the following:

“(A) evaluate the program for which the award is made, including examination of—

“(i) the range and scope of training opportunities, including numbers and percentage of child protection workers engaged in the training programs;

“(ii) the threats to child protection workers, if any, and the strategies used to address the safety of child protection workers; and

“(iii) the community outreach and awareness programs including any strategies to increase the ability of the community to contact appropriate reporting officials regarding occurrences of child abuse.”; and

(8) in subsection (h) (as redesignated by paragraph (6)), by striking “\$30,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996 and 1997” and inserting “such sums as are necessary to carry out this section for each of fiscal years 2005 through 2010.”.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. DODD, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, and Mr. LAUTENBERG):

S. 1602. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the “September 11 Victim Compensation Fund Extension Act of 2003” to extend the pending deadline of the September 11 Victim Compensation Fund to December 31, 2004. I thank Senators DURBIN, SCHUMER, DODD, LIEBERMAN, CLINTON, CORZINE, and LAUTENBERG for joining me as original cosponsors of this legislation.

Along with Senator DASCHLE, Representative GEPHARDT and others, I worked hard to create the Victims Fund over the objections of some in the administration and Congress. We insisted that it be included in the legislation to bail out the airlines passed in

the wake of the most devastating terrorist attacks on American soil. The current deadline for applying for compensation from the Victims Fund is rapidly approaching, but it has become apparent that many families need more time. Thus far, just under a third of eligible families have applied to the Fund for compensation—only about 1,282 death claims and 1,050 injury claims have been filed so far by victim families, according to the Department of Justice.

Ken Feinberg, the Special Master for the Fund, is doing his best to get victims families to understand their rights. Recently, he has even taken out extensive advertisements in a number of newspapers and created a series of informational meetings and claim assistance sites to assist victims’ families to file for compensation with the Victims Fund instead of filing a lawsuit against the airlines industry. I commend him for his efforts.

It appears that only a few relatives of victims of September 11 are opting out of eligibility for the fund by filing a lawsuit against the airlines industry. While some families are likely weighing that decision, the number of disqualifying lawsuits is low—69 as of last month—and only three of those were in the last three months, according to The New York Times.

Instead, victims support groups have told me that they receive calls daily from individuals who understand that the deadline is approaching but cannot face the emotional pain of preparing a claim. Mr. Feinberg has also commented that many victims are still too paralyzed by their grief to confront the logistical burden and emotional pain of filing a death claim.

In light of this painful reality, I believe it is appropriate to extend the deadline for filing applications to the Victims Fund to December 31, 2004—an extension of just over a year. This extension would give grieving families additional time to mourn those who were lost and to overcome the emotional challenges of filing paperwork with the Victims Fund. In recent days, I have been in contact with several September 11 victims support groups, all of which agreed that such an extension would provide some relief during these dark days for victims’ families as they endure the grieving process.

As the anniversary of the tragedy of September 11 approaches, victims’ families have many burdens. They do not need this arbitrary deadline confronting them between September 11 and the year-end holidays. This is something we can do now for victims of September 11. I urge my colleagues to support the “September 11 Victim Compensation Fund Extension Act of 2003.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 219—TO ENCOURAGE THE PEOPLE'S REPUBLIC OF CHINA TO ESTABLISH A MARKET-BASED VALUATION OF THE YUAN AND TO FULFILL ITS COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS

Mr. GRAHAM of South Carolina (for himself, Mr. SCHUMER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. ALLEN, Mr. SPECTER, Mr. ENZI, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 219

Whereas the currency of the People's Republic of China, the yuan or renminbi, has been tightly pegged to the United States dollar at the same fixed level since 1994;

Whereas the undervaluation of China's currency makes exports from China less expensive for foreigners and makes foreign products more expensive for Chinese consumers, an effective subsidization of China's exports and a virtual tariff on foreign imports;

Whereas the Government of the People's Republic of China has significantly intervened in its foreign exchange markets in order to hold the value of the yuan within its tight and artificial trading band, resulting in enormous growth in China's dollar reserves, estimated to be over \$345,000,000,000 as of June 2003;

Whereas the practice of "currency manipulation" to gain a trade or competitive advantage is a violation of the spirit and letter of the World Trade Organization and International Monetary Fund agreements, of which the People's Republic of China is now party;

Whereas the undervaluation of China's currency has had and continues to have a negative impact on the United States manufacturing sector, contributing to significant job losses and business closures;

Whereas the undervaluation of China's currency also has had and continues to have a negative impact on the economies of its neighbor nations, the European Community, Mexico, and Latin America;

Whereas the free fluctuation of currencies is a key component to the health of global trade, and the stability of the world economy; and

Whereas China's central bank governor has stated that the value of the yuan will eventually be determined by market forces rather than pegged firmly to the dollar: Now, therefore, be it

Resolved, That the Senate of the United States—

(1) supports the Secretary of the Treasury's work with regard to the Secretary's discussions with the Government of the People's Republic of China leading to a market-based valuation of the yuan; and

(2) encourages the People's Republic of China to continue to act on its commitments to the trade rules and principles of the international community of which it is now a member.

SENATE RESOLUTION 220—DESIGNATING THE NINTH DAY OF SEPTEMBER OF EACH YEAR AS "NATIONAL FETAL ALCOHOL SYNDROME AWARENESS DAY"

Ms. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 220

Whereas fetal alcohol syndrome is the leading cause of mental retardation in western civilization, including the United States, and is 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas economists estimate that each individual with fetal alcohol spectrum disorders will cost United States taxpayers between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol syndrome/effect (FAS/E) came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, stated the purpose of the observance as: "What if . . . a world full of FAS/E parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates the ninth day of September of each year as "National Fetal Alcohol Syndrome Awareness Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe "National Fetal Alcohol Syndrome Awareness Day" with appropriate ceremonies to—

(i) promote awareness of the effects of prenatal exposure to alcohol;

(ii) increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) minimize further effects; and

(iv) ensure healthier communities across the United States; and

(B) observe a moment of reflection on the ninth hour of the ninth day of September to remember that during the 9 months of pregnancy a woman should not consume alcohol.

Ms. MURKOWSKI. Mr. President, at nine minutes after the hour of nine in communities across Alaska and around the world, people are pausing today to observe International Fetal Alcohol Syndrome (FAS) Awareness Day. International FAS Awareness Day was first observed on September 9, 1999. It began with a small group of parents of children afflicted with FAS and Fetal Alcohol Effect (FAE) who came together on the Internet to ask this compelling question, "What if a world full of FAS and FAE parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the nine months of pregnancy a woman should not consume alcohol?"

These pioneering activists, most of whom were adoptive and foster parents, led by Brian Philcox and Bonnie

Buxton of Toronto, Canada, did not have the resources of large public relations firms or well connected lobbyists. They organized the first International FAS Awareness Day on a shoestring using the Internet. Rapidly their group grew to include more than 70 volunteer coordinators in eight countries. Through this grassroots awareness effort, many women of childbearing age learned for the first time that no amount of alcohol in pregnancy is good.

Each year their simple message travels further. On this fifth International FAS Awareness Day, we know that the message is getting across. Numerous observances are planned in my home State of Alaska. In Nome, a birthday cake celebration will honor all babies who will be born in the region in the coming year. In Kenai the American Legion will sponsor a breakfast and the ringing of bells at 9:09 AM. The Mayors of Anchorage, Haines and Wasilla, to name a few, have issued local proclamations.

The Commissioner of our Alaska Department of Health and Social Services, Joel Gilbertson, and the staff of his Division of Behavioral Health, are to be commended for their diligent efforts in bringing International FAS Awareness Day to Alaska. An excellent resource manual to help communities plan their observances, is accessible through the Internet page of the State of Alaska, Department of Health and Social Services. I would also like to thank the Substance Abuse and Mental Health Services Administration of the US Department of Health and Human Services, which is publicizing International FAS Awareness Day on their website.

Yet, in spite of all of the hard work of dedicated volunteers over the last several years to publicize International FAS Awareness Day, I was surprised to learn that legislation has not been introduced in the Congress to ask that the President designate September 9 of each year as National FAS Awareness Day across the United States. The resolution that I am introducing today would do just that.

The resolution, like the day itself, is intended to focus attention on the high cost of Fetal Alcohol Spectrum Disorders to our Nation and the ease of prevention. At the same time it asks that the American people treat those afflicted with these disorders with compassion and support. FAS is the largest cause of mental retardation in Alaska, the United States and all of western civilization and it is one hundred percent preventable. The simple fact is that no amount of alcohol during pregnancy has been established as safe for the fetus. If women do not drink alcohol—any alcohol—during the nine months of pregnancy; alcohol-related birth defects will be eliminated.

It is high time that we recognize the efforts of the dedicated volunteers who conceived and developed International FAS Awareness Day with a national

observance in the United States. On the first International FAS Awareness Day in 1999, Bonnie Buxton put forth this question to those who care for FAS and FAE children, "What if we made a noise? Would the rest of the world listen?" To Bonnie and all of the others who have made International FAS Awareness Day a reality, I want to say that the United States Senate is listening and proudly joins in your efforts to spread the word. Thanks to your good works, the world is listening.

SENATE RESOLUTION 221—RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND THE IMPORTANCE AND ACCOMPLISHMENTS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. SARBANES (for himself, Mr. MIKULSKI, Mr. EDWARDS, Mr. KERRY, Mr. PRYOR, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 221

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities are credited with making higher education financially attainable for individuals who otherwise may not have been able to afford postsecondary education;

Whereas historically Black colleges and universities have significant success rates;

Whereas historically Black colleges and universities provide a supportive social, cultural, and racial environment for people of color who are seeking a college education;

Whereas in the United States historically Black colleges and universities have educated 75 percent of all Blacks having Ph.D.s, 46 percent of all Black business executives, 50 percent of all Black engineers, and 80 percent of all Black Federal judges;

Whereas in the United States historically Black health professional schools have trained an estimated 40 percent of all Black dentists, 50 percent of all Black pharmacists, and 75 percent of all Black veterinarians;

Whereas in the United States historically Black colleges and universities have educated an estimated 50 percent of all Black attorneys and 75 percent of all Black military officers; and

Whereas historically Black colleges and universities have produced Members of the United States Congress, State legislators, writers, musicians, actors, engineers, journalists, teachers, scholars, judges, pilots, activists, business leaders, lawyers, and doctors: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals of National Historically Black Colleges and Universities;

(2) salutes and acknowledges historically Black colleges and universities and their presidents, faculties, staff, and trustees for their vigorous and persistent efforts in support of equal opportunity in higher education;

(3) commends the students who benefit from historically Black colleges and universities for their pursuit of academic excellence; and

(4) requests that the President issue a proclamation calling on the people of the

United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

Mr. SARBANES. Mr. President, I am proud today to join my colleague from Maryland and others in the Senate in submitting a Senate Resolution recognizing the accomplishments and importance of our Nation's Historically Black Colleges and Universities. This resolution is a companion to a resolution my colleague from Maryland in the House of Representatives and Chair of the Congressional Black Caucus—Elijah Cummings—introduced earlier this year.

There was a time in our history when African Americans had few choices to further their education other than Historically Black Colleges and Universities. Legal and historical segregation closed the doors of many colleges and universities, leaving them few options. Fortunately, Historically Black Colleges and Universities filled the void magnificently. They may be small in number compared to other universities, but their impact is impressive. In the 1950s, Historically Black Colleges and Universities produced more than ninety percent of Black professionals. It is difficult to imagine where this country would be without the service and dedication of the professors, administrators and supporters of our Nation's Historically Black Colleges and Universities.

For example, Thurgood Marshall, denied admission at a segregated University of Maryland School of Law, went on to obtain his law degree at Howard University. He later was appointed to the United States Supreme Court and was on the bench when the Court decided *Brown v. Board of Education*, the landmark decision that once and for all held that separate learning facilities for school children are unconstitutional. The University of Maryland—now a very different, a more just and diverse place, much like the United States—acknowledged the historical error of its ways and welcomes all students. In fact, it has named its law library after Justice Marshall. We may have missed the benefits of Justice Marshall's brilliant contributions to the legal profession had Howard University not been there to accept, nurture and superbly educate African American legal scholars of his era. It is impossible to calculate how many doctors, Members of Congress, attorneys and engineers might not have completed their educations if these institutions had not been there to serve them.

Historically Black Colleges and Universities continue to demonstrate their value as thousands of students who have the opportunity to attend any school choose to enroll in these unique institutions. Maryland is fortunate to have four of these institutions: Bowie State University, Coppin State University, Morgan State University, and the University of Maryland, Eastern Shore. According to the National Association

for Equal Opportunity in Higher Education (NAFEO), 103 Historically Black Colleges and Universities enroll more than 370,000 students and graduate approximately one-third of all Black students each year. NAFEO notes that students who attend Historically Black Colleges and Universities graduate with greater frequency than African American students at predominantly white institutions and receive greater academic and social support.

As many universities face the challenges of State budget constraints, disappearing corporate donations, and reduced endowments, Historically Black Colleges and Universities are hit especially hard. Many of them make it their goal to educate low-income students, making their student bodies even more reliant on financial aid. As our Historically Black Colleges and Universities face struggles, the Federal Government, State governments, alumni and friends must make sure they continue to thrive. We must guarantee that future generations will continue to benefit from the academic and cultural richness Historically Black Colleges and Universities provide. Let this resolution symbolize Congress' commitment to continuing the mission of Historically Black Colleges and Universities and ensuring their future success.

SENATE CONCURRENT RESOLUTION 66—COMMENDING THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR ITS CONTRIBUTIONS TO DEMOCRATIC DEVELOPMENT AROUND THE WORLD ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. DASCHLE, Mr. MCCONNELL, Mr. LEVIN, Mr. KYL, Mr. BAYH, Mr. HATCH, Mr. GRAHAM of Florida, Mr. LEAHY, Mr. SARBANES, and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Whereas November 22, 2003, marks the 20th anniversary of the establishment of the National Endowment for Democracy (hereinafter the "Endowment"), a bipartisan non-governmental institution that promotes democracy around the world;

Whereas through the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.), signed into law by President Ronald Reagan on November 22, 1983, Congress has made possible the funding of the Endowment's worldwide grant programs;

Whereas 2003 also marks the 20th anniversary of the National Republican Institute for International Affairs (which was subsequently renamed the International Republican Institute (IRI)), the National Democratic Institute for International Affairs (NDI), and the Center for International Private Enterprise (CIPE), all of which joined the Free Trade Union Institute (which was subsequently renamed as the American Center for International Labor Solidarity) to form the four affiliated institutions of the Endowment;

Whereas the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies;

Whereas the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world;

Whereas the Endowment, through the Journal of Democracy, the International Forum for Democratic Studies, the Reagan-Fascell Democracy Fellows Program, and the World Movement for Democracy, has served as a key center of democratic research, exchange, and networking, bringing together thousands of democracy activists, scholars, and practitioners from around the world; and

Whereas the spread of democracy throughout the world, to which the work of the Endowment has contributed significantly, has enhanced the national security interests of the United States and advanced democratic ideals and values throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and

(2) endeavors to continue to support the vital work of the National Endowment for Democracy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1590. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1591. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1592. Mr. REED (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1593. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1594. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1595. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLIN-

TON, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1596. Mr. REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1597. Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1598. Mr. SCHUMER (for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1599. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1600. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1601. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*; which was ordered to lie on the table.

SA 1602. Mr. CORZINE (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. HARKIN, and Mr. REID) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

SA 1603. Mr. REID proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, *supra*.

TEXT OF AMENDMENTS

SA 1590. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. _____. Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66, 107 Stat. 312), section 1923(g)(1)(A) of the Social Security Act (42 U.S.C. 1396r-4(g)(1)(A)) is amended—

(1) in the first sentence, by inserting “(or by a related organization of the hospital treating hospital patients)” after “by the hospital”; and

(2) by striking the second sentence and inserting the following: “For purposes of this subparagraph—

“(i) payments made to a hospital for services provided to indigent patients made by a State or a unit of local government within a State shall not be considered to be a source of third party payment; and

“(ii) costs incurred during the year of furnishing hospital services shall include the costs to the hospital or a related organization, including a faculty practice plan that is affiliated with an academic medical center, of physicians’ services provided at the hospital.”.

SA 1591. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the prevention, treatment, and control of, and research on HIV/AIDS, in addition to funds appropriated in this Act and under the heading “Global AIDS Initiative” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, \$939,700,000, to remain available until expended: *Provided*, That funds appropriated under this section that are made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall be made available in accordance with sections 202(d)(1) and 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25): *Provided further*, That if the President certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the funds provided under this section can not be effectively used to implement HIV/AIDS prevention or treatment programs or programs that improve health care infrastructure to more effectively deal with the HIV/AIDS pandemic, then the funds provided by this section shall be returned to the Treasury: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,834,899,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$5,843,601,000: *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, \$330,000,000 shall not be available for obligation until September 30, 2004.

SA 1592. Mr. REED (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. _____. In addition to any amounts otherwise appropriated under this Act to carry out immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b), there are appropriated an additional \$50,000,000 to carry out such programs: *Provided*, That such amount shall not be available for obligation until September 30, 2004: *Provided further*, That the amount

\$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,945,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,733,301,000.

SA 1593. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. _____. (a) STUDY.—The Comptroller General of the United States shall conduct a study concerning the long-term impact of competitive outsourcing at the Department of Health and Human Services on both cost savings as well as performance and efficiency. In conducting such study, the Comptroller General shall examine—

(1) the monetary value of the cost of paying and providing benefits for Federal employees as compared to the cost of contracting out such positions to non-Federal individuals and private entities, including the cost of conducting outsourcing studies, managing contracting out, and monitoring contractor compliance;

(2) the effects of outsourcing on Federal efficiency, specifically the benefits of a stable, integrated workforce on internal Departmental communications, institutional memory, workforce diversity, consistent application of policy (both internal and external), institutional relations with clients (including hospitals, researchers, nonprofit entities, and the general public), and the ability to recruit and retain the highest levels of expertise within crucial health agencies; and

(3) performance and accountability in outsourced work compared to work conducted by Federal Government agencies, specifically, whether or not there are adequate measurements in contracts to ensure performance levels, and if there exists a comprehensive means for determining accountability in the carrying out of Federal Government contracts.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a).

SA 1594. Mr. REED submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. _____. (a) INCREASE IN FUNDING FOR HEALTH PROFESSIONS PROGRAMS.—In addition to any amounts otherwise appropriated under this Act for health professions programs and activities under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), there are appropriated an additional \$257,000,000 for the Health Resources and Services Administration to fund such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of

Health, \$480,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,152,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,526,301,000.

SA 1595. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. SCHUMER, Mr. CORZINE, Mr. SARBANES, Mr. BINGAMAN, Mrs. LINCOLN, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. DURBIN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. _____. In addition to any amounts otherwise appropriated under this Act for additional home energy assistance needs of one or more States arising from a natural disaster or other emergency, under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), there are appropriated an additional \$300,000,000 for such needs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$264,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,195,199,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,483,301,000.

SA 1596. Mr. REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, Mr. LEVIN, Mr. LAUTENBERG, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. JOHNSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) an additional \$15,081,000 to carry out subpart 4 of part B of title I of the Elementary and Secondary Education Act of 1965;

(2) an additional \$24,100,000 to carry out the Library Services and Technology Act; and

(3) an additional \$5,182,000 to carry out the Museum Services Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$20,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$6,939,562,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,738,938,000.

SA 1597. Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI,

Mr. DASCHLE, Mr. REED, Mr. BINGAMAN, Mr. LAUTENBERG, Ms. STABENOW, Mr. AKAKA, Mr. CORZINE, Mr. PRYOR, Mr. KERRY, Mr. JOHNSON, Mr. NELSON of Florida, Mrs. CLINTON, and Mrs. BOXER) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. _____. (a) HEAD START FUNDING.—In addition to any amounts otherwise appropriated under this Act to carry out programs and activities under the Head Start Act (42 U.S.C. 9801 et seq.), there are appropriated an additional \$350,000,000 for such programs and activities.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$700,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,245,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,433,301,000.

SA 1598. Mr. SCHUMER (for himself, Ms. LANDRIEU, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KENNEDY, Ms. STABENOW, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. _____. In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) \$74,010,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) \$50,000,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) \$214,800,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) \$21,130,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) \$25,450,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) \$10,450,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) \$5,590,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)).

Provided, That of the funds appropriated under this Act for the National Institutes of Health, \$750,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,296,629,000: *Provided further*, That the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,381,871,000.

SA 1599. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services,

and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ (a) HEALTH WORKFORCE DIVERSITY PROGRAMS.—In addition to amounts otherwise appropriated to enable the Bureau of Health Professions to carry out the programs described in paragraphs (1) through (4), there are appropriated an additional \$109,000,000 to the Bureau of Health Professions to support health workforce diversity programs, including—

- (1) Centers of Excellence;
- (2) Health Career Opportunities Programs;
- (3) Disadvantaged Faculty Loan Repayment;
- (4) Scholarships for Disadvantaged Students; and
- (5) Health Professions Education in Health Disparities and Cultural Competency.

(b) OFFSET.—Of the funds appropriated in this Act for the National Institutes of Health, \$150,000,000 shall not be available for obligation until September 30, 2004. The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,004,199,000, and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,653,301,000.

SA 1600. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____ (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional \$60,000,000 to carry out such activities.

(b) REDUCTION IN AMOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, the Department of Education, and related agencies shall be reduced on a pro rata basis by \$60,000,000.

SA 1601. Mr. DEWINE submitted an amendment intended to be proposed to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, between lines 14 and 15, insert the following:

SEC. ____ (a) MOTHER-TO-CHILD HIV TRANSMISSION PREVENTION.—In addition to any amounts otherwise made available under this Act to carry out mother-to-child HIV transmission prevention activities, there shall be made available an additional \$60,000,000 to carry out such activities.

(b) REDUCTION IN AMOUNTS.—Each amount appropriated under this Act (other than amounts appropriated for mother-to-child HIV transmission prevention activities) that

is not required to be appropriated by a provision of law shall be reduced on a pro rata basis by \$60,000,000.

SA 1602. Mr. CORZINE (for himself, Mrs. CLINTON, Mr. HARKIN, and Mr. REID) proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III add the following:

SEC. 306. None of the funds provided under this Act shall be used to implement or enforce the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004-2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Federal Register on Friday, May 30, 2003 (68 Fed. Reg. 32473), to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, \$200,000,000 shall not be available for obligation until September 30, 2004.

SA 1603. Mr. REID proposed an amendment to amendment SA 1542 proposed by Mr. SPECTER to the bill H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and for related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, insert the following:

SEC. 306. (a) In addition to any amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated—

- (1) an additional \$85,000,000 to carry out title III of the Elementary and Secondary Education Act of 1965 (language instruction);
- (2) an additional \$6,449,000 to carry out part A of title V of the Higher Education Act of 1965 (Hispanic-serving institutions);
- (3) an additional \$4,587,000 to carry out part C of title I of the Elementary and Secondary Education Act of 1965 (migrant education);
- (4) an additional \$11,000,000 to carry out high school equivalency program activities under section 418A of the Higher Education Act of 1965 (HEP);
- (5) an additional \$1,000,000 to carry out college assistance migrant program activities under section 418A of the Higher Education Act of 1965 (CAMP);
- (6) an additional \$12,776,000 to carry out subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (parental assistance and local family information centers); and
- (7) an additional \$69,000,000 to carry out migrant and seasonal Head Start programs: *Provided*, That such sum shall be in addition to funds reserved for migrant, seasonal, and other Head Start programs under section 640(a)(2) of the Head Start Act.

(b) Of the funds appropriated in this Act for the National Institutes of Health, \$146,000,000 shall not be available for obligation until September 30, 2004.

(c) The amount \$6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be \$7,085,011,000 and the amount \$6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be \$6,593,489,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2003, at 10 a.m., to receive testimony on U.S. military commitments and ongoing military operations abroad.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2003, at 10 a.m. to conduct a hearing on "The Implementation of the Sarbanes-Oxley Act and Restoring Investor Confidence."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 9, 2003, at 9:30 a.m. on oversight of transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 9 at 10 a.m. to consider the nominations of Suede G. Kelly to be a member of the Federal Energy Regulatory Commission and Rick A. Dearborn to be Assistant Secretary of Energy, Congressional and Intergovernmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 9, 2003, at 10 a.m., to hear testimony on "The Alias Among Us: The Homeland Security and Terrorism Threat from Document Fraud, Identity Theft and Social Security Number Misuse."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 9, 2003 at 9:45 a.m. to hold an all-Member briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 9, 2003, at 10:00 a.m. in the Dirksen Senate Office Building Room 226 on "Ensuring the Continuity of the United States Government: The Congress."

Witnesses

Panel I: The Honorable Brian Baird, United States Representative [D-WA]; The Honorable David Dreier, United States Representative [R-CA].

Panel II: Dr. Norman J. Ornstein, Senior Counselor, Continuity of Government Commission, Resident Scholar, American Enterprise Institute, Washington, DC.

Mr. Doug Lewis, Director, The Election Center, Houston, TX.

Mr. Raymond F. DuBois, Deputy Under Secretary of Defense, Installations & Environment, Department of Defense, Arlington, VA.

Mr. Thad Hall, Program Officer, The Century Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, September 9, 2003, at 2:00 p.m. in the Dirksen Senate Office Building Room 226 on "Pornography, Technology, and Process: Problems and Solutions on Peer-to-Peer Networks."

Witnesses

Panel I: Linda Koontz, Director of Information Management, U.S. General Accounting Office, Washington, DC.

John Malcolm, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, DC.

Thomas J. Spota, Suffolk County District Attorney, Hauppauge, NY.

Robbie Callaway, Chairman, National Center for Missing and Exploited Children, Alexandria, VA.

Stephen Hess, Associate Academic Vice President for Information Technology, University of Utah, Salt Lake City, UT.

Douglas W. Jacobson, President and Chief Technology Officer, Palisade Systems, Ames, IA.

Panel II: William Barr, Esquire, General Counsel, Verizon Communications, Washington, DC.

Cary Sherman, President, Recording Industry Association of America, Washington, DC.

Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. FRIST. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, September 9, 2003

from 10 a.m. to 12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2003, at 2:00 p.m. to conduct a hearing on "Oversight of the Federal Home Loan Bank System."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 9, 2003 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore; S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the park.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WORK AND FAMILY MONTH

On Friday, September 5, 2003, the Senate passed S. Res. 210, as follows:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas there is a clear link between work-family policies and lower absenteeism;

Whereas the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress;

Whereas 85 percent of U.S. wage and salaried workers have immediate, day-to-day family responsibilities off the job;

Whereas 46 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility allows parents to be more involved in their children's lives, and parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a lack of job flexibility for working parents negatively affects children's

health in ways that range from children being unable to make needed doctors' appointments, to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas nearly one out of every four Americans—over 45 million Americans—provided or arranged care for a family member or friend in the past year;

Whereas nearly all working adults are concerned about spending more time with their immediate family; and

Whereas as an increasing number of baby boomers reach retirement age in record numbers, more and more Americans are faced with the challenge of caring for older parents: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) reducing the conflict between work and family life should be a national priority; and

(B) the month of October of 2003 should be designated as "National Work and Family Month"; and

(2) the Senate requests that the President issue a proclamation calling upon the people of the United States to observe "National Work and Family Month" with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY,
SEPTEMBER 10, 2003

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow. I ask further that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the current legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, tomorrow the Senate will resume consideration of this bill, and we have already specified the amendments which are going to occur. Following those votes, the Senate will continue to work on the bill. The majority leader has stated his intention to complete the bill tomorrow. There are a number of pending amendments. The chairman and ranking member will be here throughout the day to work through the amendments. Senators can expect rollcall votes.

Mr. REID. If my friend will yield for a brief statement, all Senators should recognize that we will have no more rollcall votes if we finish this bill tomorrow night. That would work well because of September 11. Things have already been scheduled. We have eight Senators who will be gone a good part of that day because of their States having been so badly affected by the events of 9/11.

I say to all Senators, if we finish tomorrow, no matter what time, there will be no more votes for the remainder of this week, and we will do other legislative business. But there will be no votes.

Mr. SPECTER. Mr. President, there are still a couple of other wrap-up items.

DESIGNATING THE "ED EDMONDSON UNITED STATES COURTHOUSE" IN MUSKOGEE, OKLAHOMA

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1668, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1668) to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1668) was read the third time and passed.

STAR PRINT—SENATE REPORT 108-113

Mr. SPECTER. Mr. President, I ask unanimous consent that Senate report No. 108-113 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLETION OF H.R. 2660

Mr. SPECTER. Mr. President, I thank the assistant Democratic leader. I think it has been a productive day—starting at 5 o'clock. I am happy to have had the votes. It breaks the logjam. We had quite a number of amendments offered this evening. I think the stage has been set to move with dispatch tomorrow.

The assistant Democratic leader has made the suggestion about early votes,

which I think is a good idea. Very little remains on both sides. There is always great temptation to proceed with alacrity once the light at the end of the tunnel signifies no additional votes, at which point the railways and airlines become congested with 100 passengers. So we now have that incentive to move ahead with dispatch tomorrow to complete the bill. I think it will be a signal accomplishment to get it done.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:11 p.m., adjourned until Wednesday, September 10, at 9:30 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING JASON MICHAEL BOETCHER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker, Whereas, Jason Michael Boetcher has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jason Michael Boetcher has shared his time and talent with the community in which he resides; and

Whereas, Jason Michael Boetcher has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jason Michael Boetcher must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with the residents of Frazeysburg and the entire 18th Congressional District in congratulating Jason Michael Boetcher as he receives the Eagle Scout Award.

HIGH SCHOOLERS DISPLAY TRUE HEROISM—PEOPLE HELPING PEOPLE

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention Kevin and Manuel Romero, best friends who took it upon themselves to help save a family's home during the first of two fires that recently threatened Albuquerque's bosque.

Kevin and Manuel will be juniors at Albuquerque's West Mesa High School in the fall. They both grew up on Albuquerque's West Side, the area of town most threatened by the recent fires, and have been involved in JROTC throughout high school.

On June 24, the pair decided to drive by the bosque to get a closer look at the flames. As they did so, they saw Mary and Dick Kirschner, whose home borders the bosque, attempting to put out the flames encroaching on their house. Grabbing shovels, the boys immediately filled buckets with dirt and dumped sand onto the embers. The thought of not helping never crossed their minds.

Kevin and Manuel's efforts clearly made a difference in saving the Kirschners' home, which is now surrounded by scorched terrain. That landscape is a constant reminder of how close the fire came. Kevin and Manuel had never met the Kirschners, yet they tirelessly worked to save their home. The boys' efforts won them not only recognition on numerous local newscasts but the thanks of the Kirschners as well, who praise the boys for "reaffirming the best of human instincts."

Kevin's mother taught him that good deeds come back to those who do them, and that creed has clearly affected both Kevin and Manuel in a very positive way.

Mr. Speaker, I ask you join me and all the residents of New Mexico in honoring and thanking Kevin and Manuel Romero for their valiant efforts in saving a family home from a devastating fire. Their spirit of community is an inspiration to us all.

HONORING THE ORANGE 9-10 GIRLS SOFTBALL TEAM ON THEIR STATE CHAMPIONSHIP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. DeLAURO. Mr. Speaker, it is with great pride and excitement that I rise today to extend my sincere congratulations to the Orange 9-10 Girls Softball Team who recently won their second consecutive State Championship title. I am certainly proud to stand with the Orange community in saluting these youngsters on this tremendous accomplishment.

For too long young women were often discouraged from participating in sports. It has only been in the last decade that women's sports have exploded onto the national stage. With the continued and increasing interest in women's collegiate and professional teams, so many opportunities are opening up for our young people.

This team of fourteen girls worked hard and played well—enjoying an extraordinary season. More importantly, they have learned one of life's most valuable lessons—teamwork. Softball, like all sports, teaches us the value of team work, practice, camaraderie, and commitment to excellence. These skills will serve these young people well as they begin to make a difference in the world. Working together, they have already accomplished so much and who knows—perhaps the next Lisa Fernandez or Christa Williams is among them. I have every confidence that they will enjoy great success in all of their future endeavors.

I would be remiss if I did not take this opportunity to extend my thanks and congratulations to some very special parents. It is with great pleasure that I also recognize Coaches Ken Slowik, Bruce Post, and Bill McNeil—all of whom have worked hard to give these young people the chance to play. Without their efforts, the success of the team would not have been possible.

This evening, as they celebrate their victory, I would again extend my heart-felt congratulations to these youngsters as well as my very best wishes for continued success. I am thrilled to join the Orange community in recognizing this outstanding accomplishment and only wish that I could share in tonight's festivities. You have made us all proud.

A PROCLAMATION RECOGNIZING RONALD SICKELS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker: Whereas, Ronald Sickels has demonstrated professionalism and a dedication to safety; and

Whereas, Ronald Sickels has logged 1 million miles, the equivalent of circling the earth's equator 40 times, without a single preventable accident; and

Whereas, Ronald Sickels must be commended for the hard work and dedication he put forth over his years at Yellow Transportation;

Therefore, I join with the Motor Freight Carriers Association and the residents of Ohio 18th Congressional District in congratulating Ronald Sickels for his outstanding achievement.

A LIFE-SAVING PARTNERSHIP— QWEST JOINS AMBER ALERT TEAM

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, today I bring to your attention a partnership that could save children's lives. Telecommunications provider Qwest will begin sending AMBER Alerts directly to its technicians' pagers in order to increase the number of individuals looking for missing children. The company joins America Online and the New Mexico State Lottery as a corporate partner in the program to find abducted children.

The AMBER Alert program began in 1996, and since then over 32 abducted children nationally have been found as a direct result of communities' rapid response to the alert. In October 2000 I sponsored and the House passed a resolution on this floor urging communities to implement the AMBER Alert. I then laid the groundwork for the alerts to become available in New Mexico, which they did in April 2001. Today the Albuquerque Police Department, Bernalillo County Sheriff's Department, and the New Mexico State Police have all established AMBER Alert programs.

The AMBER Alerts are currently carried by New Mexico's broadcast media via the same Emergency Alert System used in severe weather and national emergencies. The tones so familiar to citizens during storms are now helping to save children's lives. Thanks to Qwest's efforts, the alerts will now go out directly to the company's field technicians' pagers as well. The workers cover much of the state in their efforts to serve customers, so adding those employees to the network of individuals looking for missing children will be a tremendous advantage.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I ask you join me and all the residents of New Mexico in honoring and thanking Qwest for its efforts to aid our community in efforts to find abducted children. AMBER Alerts have proven effective in finding these children, and through its partnership Qwest has significantly expanded the number of people participating in the program and aiding authorities in their search. I commend them for answering an important call.

HONORING JOEL SCHIAVONE AS HE RECEIVES THE NEW HAVEN PRESERVATION TRUST "PRESERVATION HERO AWARD"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. DeLAURO Mr. Speaker, I am pleased to rise today to join the New Haven Preservation Trust in recognizing Joel Schiavone for his many contributions to our community. As a lifelong resident of New Haven, Connecticut, I am truly grateful to those in our community who dedicate themselves to preserving our rich history. Through his efforts and good work, Joel has helped to preserve numerous architectural jewels throughout our great city.

Each year, the New Haven Preservation Trust bestows their Preservation Hero Award on an individual or group who has significantly contributed to the preservation of the distinctive character of the city of New Haven. Throughout the course of its history the city has seen many changes. The home of such local treasures as Yale University, Winchester Repeating Arms, Wooster Square, and the Carousel at Lighthouse Point, the city has a strong and proud tradition of fighting to preserve those unique facets on which our community was built.

As a developer and entrepreneur, Joel has worked over the last several decades to blend the changing needs of the residents and businesses with the unique styles of architecture which can be found throughout the city. Perhaps his most well-known accomplishments lie in the resurrection of the College and Chapel Street District which sits adjacent to Yale University. His work not only restored many historic buildings but began an economic revitalization of the area as well.

Throughout his career, Joel has committed himself to enriching the city and celebrating its unique culture. I am honored to rise today to join the New Haven Preservation Trust, and the New Haven community, in extending my sincere thanks and appreciation to Joel Schiavone for his many efforts on behalf of the city of New Haven.

A PROCLAMATION RECOGNIZING THE OHIO COLLEGE REPUBLICAN FEDERATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker:

Whereas, the Ohio College Republican Federation (OCRf) has been presented the "Best State Federation Award" by the College Republican National Committee; and

Whereas, the OCRf should be recognized for its leadership, Campaign Efforts, Education Taskforce, Women's Caucus, and service to the Republican Party; and

Whereas, OCRf members must be commended for the hard work, and dedication they put forth on a daily basis;

Therefore, I join with the College Republican National Committee and the residents of Ohio's 18th Congressional District in congratulating the Ohio College Republican Federation for this outstanding achievement.

TRIBUTE TO W. CLOYCE ANDERS, RALEIGH, NC, ON COMPLETION OF HIS TERM AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to commend my friend and a fellow North Carolinian, W. Cloyce Anders of Raleigh, who is completing his highly successful term as President of the nation's largest insurance association—the Independent Insurance Agents & Brokers of America (IIBA)—later this month in Las Vegas. He was elected to IIBA's Executive Committee in September 1997. Cloyce is president of VFIS of North Carolina and Anders, Ireland & Marshall, Inc., both of Raleigh as well as a managing partner of Independent Agency Services, LLC, of Durham.

Even before his service as IIBA president, Cloyce's career as an independent insurance agent was marked with distinguished service and dedication to his clients, community, IIBA, the Independent Insurance Agents of North Carolina (IINC), and his colleagues across the country. His service to his peers began with his involvement at the state level with IINC. He served as IINC president for a year beginning in 1989 and represented the state on IIBA's National Board of State Directors from 1992 to 1997. In recognition of his outstanding service, he was honored by the North Carolina association as its Agent of the Year, Young Agent of the Year, Educator of the Year, and Committee Chairman of the Year.

Cloyce also is a concerned and highly active member of his community. He has served as president of several community organizations, including the Craven County Chamber of Commerce, New Bern Jaycees, Craven County Committee of 100; and as chairman of the Salvation Army Craven County Board, Craven County March of Dimes, Craven County Heart Fund, Craven County Cancer Drive, Craven County Committee of 100, and Salvation Army Building Fund Drive. He is a member of the North Carolina Fire & Rescue Commission and is the facilitator for the Wake County Fire Commission. He also is chairman of the North Carolina Safety Workers Compensation Fund.

I laud Cloyce for his tireless and selfless leadership of the Independent Insurance Agents & Brokers of America and the many accomplishments benefiting all independent insurance agents and brokers realized during his tenure as President. I know that even though Cloyce will step aside as IIBA leader soon, he will remain involved with the Association because he is a concerned leader and wants to continue helping his colleagues build for a strong and secure future. Congratulations on a job well done, Cloyce!

THE 100TH ANNIVERSARY CELEBRATION OF THE CARNEGIE FREE LIBRARY OF BEAVER FALLS, PA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. HART. Mr. Speaker, on September 13th, an outstanding institution in the congressional district I represent in the House of Representatives will celebrate a remarkable landmark. The Carnegie Free Library of Beaver Falls, PA, will hold its 100th anniversary celebration on that date. I am honored to pay tribute to this library that has provided knowledge and enjoyment to citizens both young and old in the Beaver area for a century.

I ask my colleagues in the House of Representatives to join me in wishing the Carnegie Free Library of Beaver Falls a happy one hundredth birthday and to thank all of those who have served in its important mission to provide reference, knowledge, and entertainment to the Beaver Falls community over the past one hundred years.

A PROCLAMATION RECOGNIZING EDWARD THOMAS WARNER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. NEY. Mr. Speaker:

Whereas Edward Thomas Warner has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Edward Thomas Warner has shared his time and talent with the community in which he resides; and

Whereas, Edward Thomas Warner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Edward Thomas Warner must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 212, the residents of New Lexington, and the entire 18th Congressional District in congratulating Edward Thomas Warner as he receives the Eagle Scout Award.

TRIBUTE TO THE STUDENTS AND
STAFF OF THE YOUTH ACTION
YOUTHBUILD PROGRAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. WALSH. Mr. Speaker, as our country approaches the second anniversary of 9/11, I rise today to honor the students of the Youth Action YouthBuild program from New York City, New York. On the day after this horrific act of terror, this group showed dedication, character, and courage in a time of national crisis in the United States and for that, they deserve our recognition and thanks.

On September 12, 2001—one day after the tragic events of September 11th—the city of New York called for the assistance with recovery and cleanup. More than sixty-five YouthBuild students and staff organized themselves to respond to that call. Without regard for their own personal safety, the students marched themselves downtown to see how they could help. YouthBuild was among the first organizations to act in response, as most of the nation still sat in stunned silence.

The remarkable students and staff of YouthBuild selflessly donated themselves to the 9/11 cause for more than a month—volunteering their labor and helping to raise money for the cause. The generosity shown by these young people was both magnificent and exhilarating. Thank you, YouthBuild students and staff, for your contributions to America in her hour of need.

J. STEPHEN HORN POST OFFICE
BUILDING

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mr. McKEON. Mr. Speaker, I rise today in strong support of H.R. 2309, designating the J. Stephen Horn Post Office Building in Signal Hill, California. I cannot think of a better tribute to our former colleague and my friend for his dedication and commitment to his community and his country.

As my colleagues will agree, former Representative Stephen Horn served the people of his district as one of the hardest-working Members during his ten years in Congress. He played a key role in obtaining funds for the Alameda Corridor, the underground rail and freeway connection from the port to the main-east-west links, and secured \$25 million in 2000 to clean up contamination of the underground water supply that extends to South Bay.

Mr. Horn's former constituents may remember him most for securing a single ZIP code for the City of Signal Hill, California. Often considered a part of Long Beach, California, residents of Signal Hill were neglected by the Postal Service. For years, the city and its 9000 residents had higher insurance rates, misreported sales taxes and misapplied utility taxes by long distance companies. Upon his election to Congress in 1992, Congressman Horn made acquiring a single ZIP code for the

city one of his top priorities. Despite a lack of cooperation from the Postal Service and the Postmaster General, Stephen Horn refused to take no for an answer and succeeded in getting Signal Hill its own ZIP code in January 2002.

I am honored to have worked with Stephen in Congress and to have had the opportunity to bear witness to his drive, dedication and devotion to his home State and his constituency.

Mr. Speaker, I stand with my colleagues in support of this resolution and appreciate the opportunity to express my thoughts and gratitude for Stephen Horn.

TRANSPORTATION, TREASURY,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2004

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. PETRI. Mr. Chairman, I ask that a letter from the National Association of State Park Directors in support of my amendment to H.R. 2989 regarding the transportation enhancements program (voted on September 4, 2003) be included in the RECORD.

NATIONAL ASSOCIATION
OF STATE PARK DIRECTORS,
September 4, 2003.

DEAR CONGRESSMAN PETRI: The National Association of State Park Directors (NASPD) is the organization that comprises the leadership of the State Park Systems in all fifty (50) States. We are writing to support your amendment to strike section 114 from the 2004 Transportation Appropriations Bill, H.R. 2989.

Transportation Enhancements (TE's) help to provide environmentally sustainable infrastructure and fund critically important and popular projects in all jurisdictions represented by NASPD. TE's help to enhance the street-scapes of communities throughout the Nation and to provide pedestrian and bicycle connections for both transportation and recreational purposes, thereby, reducing congestion, protecting air quality, enhancing public health through exercise and improving the quality of life for millions of Americans.

As stewards of the State Park Systems Nationwide, we can attest to the popularity of the projects funded by TE's and utilized by so many of our patrons, constituents of all members of Congress. While section 114 of the bill would still allow States to use highway funds for Enhancement projects, in our opinion, this provision would threaten the integrity of the program and we applaud your efforts to remove it from the final legislation. We urge all members of Congress to support your amendment.

Sincerely,

PHIL MCKNELLY,
President.

HONORING EBRI'S 25TH
ANNIVERSARY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CARDIN. Mr. Speaker, I rise to congratulate the Employee Benefit Research Institute on its twenty-fifth anniversary. Since coming to Congress, one of my ongoing legislative priorities has been to ensure that America's workers will enjoy retirement security when they end their careers. When I think of those who have helped educate me and my colleagues—and the public—about the issues and challenges facing workers, the Employee Benefit Research Institute is high on the list. Indeed, without their high quality research and analysis, few would fully comprehend the problems we face and the viable options for solving them.

EBRI has provided this service for a quarter century, and it has established an impressive track record on issues ranging from Social Security to health benefits, as well as a panoply of private pension issues. EBRI's data is reliable and its analyses helpful. Their reports are uniquely useful because rather than recommend approaches, EBRI simply lays out the options for policymakers.

In today's often partisan atmosphere, EBRI's focus on the facts is particularly welcome. By doing so, they often provide common ground where those with differing ideological stances can reach compromise. I hope my colleagues will join me in congratulating EBRI on its 25 years of service, and I look forward to relying on its counsel in the years to come.

TRIBUTE TO MS. CECILE DICKEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life and work of an outstanding individual who I feel fortunate to call my friend, Ms. Cecile Dickey. She was recognized on Tuesday, September 9, 2003, for her 28 years of unwavering dedication and service to the Head Start Program in my hometown of Paterson, New Jersey.

During her long and distinguished career as the Executive Director of Concerned Parents for Head Start, Ms. Dickey has maintained responsibility for the overall administration and operation of a program that includes Early Head Start, teenage student mothers, and an adult education program for welfare recipients that prepares its students for gainful employment. It is only fitting that Cecile Dickey be honored for her commitment to improving the quality of life in Paterson through education in this, the permanent record of the greatest freely elected body on earth.

Cecile Dickey began her career with Head Start in the summer of 1965 when, after registering her son in Project Head Start, she volunteered her services as a Parent/Volunteer. Over the next 7 years, Cecile progressed from volunteer to assistant teacher to teacher and, in 1973, she was named the Director of

Concerned Parents for Head Start. Under Ms. Dickey's dedicated leadership, Head Start has grown to accommodate over 700 pre-school aged children in six locations throughout Paterson.

As the Executive Director of Head Start, Cecile soon recognized the need to remain knowledgeable about the newest trends in childhood education in order to ensure the quality education that her students deserved. Deciding to return to college, Ms. Dickey earned degrees in Early Childhood and Special Education from William Paterson University and in Public Policy and Urban Education from St. Peter's College in Jersey City. In 1989, she accepted a lectureship in the Public Policy Department at St. Peter's College where she spent the next 7 years sharing her enthusiasm and expertise with her college-aged students while continuing her duties as the Executive Director of Concerned Parents for Head Start.

In many ways, Cecile Dickey's commitment to the young children of Paterson has extended beyond the classroom walls. She was instrumental in enacting the New Jersey Anti-Lead Bill, and has served on several Educational Task Forces for former Governor Thomas H. Kean. She was the founding president of the New Jersey Head Start Association and a former Vice President of Region II (New York, New Jersey, and Puerto Rico) of the National Head Start Association. Ms. Dickey currently serves on the board of the Second Baptist Church Community Development Corporation in Paterson, and heads a Not-For-Profit Housing Corporation which has completed and sold 47 townhouses in the City of Paterson. She was recently appointed to the Board of Trustees of St. Joseph's Hospital.

Cecile Dickey's exemplary service to the City of Paterson has been recognized both locally and nationally. She is the recipient of the Ann Phipps Memorial Award—the highest honor in National Head Start Service. In addition, she has received the William Paterson University President's Medal, the Passaic County College Woman of the Year Award, and the Johnson and Johnson Fellows MIP Award. Yet, despite the many commendations and prestigious seats on councils and boards that she has received over the years, her work as the executive director of Concerned Parents for Head Start has remained Ms. Dickey's first love.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of devoted educators and public servants like Ms. Cecile Dickey. I ask that you join our colleagues, the faculty and students of Head Start, Ms. Dickey's family and friends, and myself in recognizing Cecile Dickey for 38 years of outstanding service to the children of Paterson.

IN RECOGNITION OF BP SOLVAY
POLYETHYLENE NORTH AMERICA

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. BELL. Mr. Speaker, I rise to honor BP Solvay Polyethylene North America on the occasion of being named the 2003 Industry of

the Year by the Deer Park Chamber of Commerce.

BP Solvay Polyethylene North America manufactures high density polyethylene plastic in the shape of small round pellets which are used to make a wide range of consumer and industrial products, including milk bottles, gas tanks, children's play toys, plastic bags and liners. The company's world class business processes have distinguished BP Solvay Polyethylene North America's employees as number one in customer satisfaction (out of 675 resin buyers) for the fourth time per Mastio and Company, a well-recognized survey company.

At the core of BP Solvay Polyethylene North America's values lies a commitment to safe operations, preserving the environment, and protecting the health and welfare of employees and neighbors. To accomplish this, the company employs highly skilled, trained, and motivated individuals.

The company's goal is for Deer Park citizens to feel that the community is a better place because of their neighbor, BP Solvay Polyethylene North America. Through the years, the site has worked closely with the Deer Park Chamber of Commerce and numerous other local organizations. The company supports the Deer Park Independent School District on activities ranging from involvement and financial support of the high school's honors recognition banquet, fire prevention safety for students, to sponsorship of an annual art and essay scholarship program. Through the years, the company's employees have particularly enjoyed working with partner school Deer Park Junior High on student plant tours, campus fix-up and environmental projects, and traveling plastic science shows for classrooms.

Besides education, BP Solvay Polyethylene North America supports numerous civic initiatives and groups. The company's volunteer team, named the Community Activities Team, has been active for almost 15 years, guiding over 3,000 volunteer hours per year.

RECOGNITION OF THE 65TH ANNI-
VERSARY OF THE INDIAN CRAFT
SHOP

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. PALLONE. Mr. Speaker, I rise today to mark the 65th anniversary of the Indian Craft Shop at the U.S. Department of the Interior. This shop is one of Washington, D.C.'s most remarkable sites for Native American art enthusiasts. Originally established in order to provide an outlet for American Indian artists to market their work, the Indian Craft Shop has represented quality and authenticity in American Indian arts and crafts in our nation's capital since 1938. Over the years the craft shop has developed a national reputation for carrying a diverse selection of Native American art.

Mr. Speaker, thanks to the efforts of places like the Indian Craft Shop, American Indian art, in all forms, has never been more alive and dynamic. Today, Native American art continues to be one of the most gratifying and exciting forms of art to collect. With over 45 Native American tribal groups' artwork on display,

the Indian Craft Shop offers quality artwork to the novice as well as the skilled collector.

American Indian art combines age-old tradition, innovation and talent that results in a wide variety of art for all levels of collecting, irrespective of whether you are beginning with a first time purchase or have been collecting for years. Craft areas represented in the shop include pottery, jewelry, quill and beadwork, kachinas, sculpture, weavings, basketry, sandpainting, fetish carvings, Alaskan crafts/carvings and many other craft items.

Through its tireless efforts, the Indian Craft Shop has successfully built a widespread appreciation for the skill and time involved in the crafts and the continuation of artistry through today's generation. Without a doubt the shop will continue to play a large role in expressing the livelihood of American Indian artisans and in the preservation of this country's only indigenous art. Therefore, on this day, I ask my colleagues to join me in honoring the 65th anniversary of The Indian Craft Shop.

TRIBUTE TO JOHN D. LAVELLE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. OXLEY. Mr. Speaker, I rise today to honor the late General John D. Lavelle, who was born on this day in 1916.

A proud son of Ohio, Jack Lavelle was born and raised in Cleveland and graduated from John Carroll University in 1938. On the eve of war, he enlisted in the Army Air Corps and was commissioned as a second lieutenant in June 1940. During World War II, he flew combat missions in the European Theater, where he served with the 412th Fighter Squadron.

Following the war, Jack Lavelle was assigned to Wright Field, Ohio. A career aviator, his service would span 32 years and include assignments around the globe. He rose to the rank of four-star general as commander of the U.S. Seventh Air Force in 1971.

During his career, Jack Lavelle was awarded the Distinguished Service Medal, the Legion of Merit with three oak leaf clusters, the Air Medal with oak leaf cluster, the Air Force Commendation Medal with oak leaf cluster, and the Belgian Fourragere.

Jack Lavelle passed away on July 10, 1979. He is buried in Arlington National Cemetery.

Mr. Speaker, I ask my colleagues to join me in remembrance of this courageous and patriotic American.

TRIBUTE TO MARK MARTENSEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. HUNTER. Mr. Speaker, I rise today to recognize a gifted and talented local artist from the San Diego area, my friend, Mark Martensen. Mark was asked by his hometown of Chula Vista to create a sculpture that will be displayed outside the city's new fire station in Otay Ranch. Mark's piece, as yet unnamed, will be unveiled on September 11, 2003, serving as a lasting memorial to the brave firefighters who risk their lives to protect ours.

Born and raised in Chula Vista, Mark has been making a living selling his western art for 20 years. Described as his generation's Olaf Wieghorst, San Diego's most recognized western artist, Mark is represented in art galleries all over California, Arizona, New Mexico and Indiana.

A few years ago, Mark presented the Commandant of the U.S. Marine Corps, General Charles Krulak, with a bronze sculpture he created of Lt. Gen. Chesty Puller, a hero and legend to all Marines. General Krulak was deeply impressed with Mark's work and clearly moved. Just as impressed was President Bush when, earlier this year, Mark and I went to the White House to give the President a bronze he created titled "Texas Skip."

As plans for the new fire station were finalized, it was determined that the facility must include some type of public art. Mark was a natural choice, and he has not disappointed. His first life-size sculpture, weighing 700 pounds and depicting a veteran firefighter with his hand on the shoulder of a kneeling rookie, required 15-hour work days for three months. The piece will stand on a pedestal in front of the firehouse with water falling from the fireman's hose.

In 1985, President Reagan told recipients of the National Medal of Arts that, "Where there's liberty, art succeeds." This couldn't be more true. Generations of San Diegans will have the opportunity to admire Mark's work and reflect both upon the sacrifices and the privilege of living in our great nation. Thank you Mark for using your talents to remind us about what is important.

IN HONOR OF MARIA TORRES-GIL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. FARR. Mr. Speaker, I rise today in honor of Maria Torres-Gil on the occasion of her 80th birthday. She is a life-long resident of Monterey County and has dedicated herself to working in and giving back to her community.

Maria Torres-Gil was born in Los Angeles; the daughter of two Mexican emigrants who had come to California in the aftermath of the Mexican Revolution. Like many other Americans during the Great Depression, Maria's family worked as itinerant farmers throughout the San Joaquin Valley before settling in Castroville in the early 1930s. She married Rafael Torres-Gil in 1947, but when he passed away at a young age, she had to raise their nine children on her own. Although she was only able to attend school through the sixth grade, all of her children went on to college and successful careers.

Despite these hardships, Maria remained active in her community. She organized the first advisory committee for the Monterey County Housing authority, developed a school bus program for the children living in housing projects who lacked transportation to school, and also served as a vocal advocate for families in the housing project. In addition to working on local issues, Maria volunteered to serve as a translator for the Monterey County Department of Social Services. She was hired as an eligibility worker and served with the Department for many years. After retiring she

was a featured columnist for the Salinas based Californian newspaper, in which she focused on parenting issues and community service.

Mr. Speaker, I applaud Maria Torres-Gil's achievements and accomplishments. She has demonstrated outstanding dedication to her community and family. Maria has made a lasting impact on our community and the people with whom she worked. I join the County of Monterey, and friends and family in honoring this truly commendable woman and all of her lifelong achievements.

TRIBUTE TO MR. IRA CLARK: A
DEDICATED PUBLIC SERVANT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most remarkable public servants, Mr. Ira Clark, former President of our County Public Health Trust and Chief Executive Officer of Miami-Jackson Health System. His friends and supporters will honor him this Friday, September 12, 2003 at a special benefit dinner at the Hotel Intercontinental in Miami.

This event will recognize Mr. Clark for 16 years of exceptional service to the residents of our community, particularly the countless indigents and immigrants. Having dedicated the longevity of his stewardship over our county Jackson Memorial Hospital, he has been relentless in his development of innovative healthcare service programs that now respond to the crying needs of our community. His was indeed a mission of genuine love and utmost commitment that maximized thorough understanding and common-sense compassion for many destitute families who lack the basic financial wherewithal to have a loved one access quality medical care and treatment in a modern urban hospital setting.

Under his leadership many lives have been saved and many more families have been rendered whole because of his dedication to providing accessibility to affordable quality healthcare services. One of the most impressive achievements under his watch was the acquisition of a predictable source of recurrent funding when the residents of Miami-Dade County voted in 1991 to have an extra half-penny sales tax to fund Jackson Memorial Hospital. An essential component of this securely funded system was his ability to create a partnership with the University of Miami School of Medicine, which now provides the expertise of this medical center to spread worldwide in specialties like trauma care, organ transplant, spinal cord injury, pediatrics, high-risk obstetrics and a host of quality healthcare innovations.

Other highlights of his tenure contributed to the decompression of the county hospital facility through the creation of the Jackson North Maternity Center, the Taylor Breast Health Center, the Diagnostic Treatment Center, the state of the art Ryder Trauma Center and the recent opening of Jackson South Community Hospital to benefit the residents living in the South Dade area. The event this Friday will raise funds to help build a state-of-the-art Rehabilitation Facility at this premiere hospital.

These facilities are eloquent testimonies to Mr. Clark's mission to provide a single high standard of medical care to all people. This sterling commitment has raised the bar of quality healthcare for the vibrant community of Miami-Dade County, which uniquely symbolizes a virtual mosaic of immigrants representing virtually every country of the world.

It is his vision that spearheaded the introduction of the Jackson Health System corporate identity in the Spring of 2000, which led to the creation of a network of some 12 primary care centers across the county. The role he played in developing our excellent healthcare system evokes a unique passion that led to our community's ability to receive the recognition of its strength amidst its diversity, and help the less fortunate in their quest for quality medical care and treatment.

Indeed, it is an honor to have the privilege of the friendship of Mr. Ira Clark, a caring public servant par excellence. The tribute he will receive on Friday is genuinely deserved. I salute him on behalf of a grateful community that he truly loved and cared for so deeply.

THE TIES THAT BIND

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. SHAYS. Mr. Speaker, I wish to submit for the RECORD a speech delivered by Ambassador Joseph Verner Reed, Under Secretary General of the United Nations and a distinguished resident of Greenwich, Connecticut. Ambassador Reed's remarks were made at a ceremony at the Greenwich Town Hall commemorating Bastille Day on July 14, 2003.

THE TIES THAT BIND

Citizens of the Town of Greenwich and the French Community of our Town are thankful to be commemorating a date that is both significant and symbolic in the shaping of our two countries.

Allow me to paraphrase a few words spoken by President George W. Bush on May 30, 2003, during an interview with a French journalist. France and the United States share the same objectives on all vital subjects. Regarding security in our democracies, peace in the world and international commerce, we are largely in agreement. President Bush was echoing those famous words from President Franklin D. Roosevelt: "no two nations are more closely bound by the ties of history and mutual friendship than the people of France and that of the United States of America."

On July 4, 2003 citizens of France deposited a red rose on each of the 60,511 graves in honor of the American soldiers buried in eleven cemeteries, who died in France during World War I and II for the preservation of French freedom.

We celebrate the sovereignty and dignity of our two nations with our respective national anthems.

THE STAR-SPANGLED BANNER

Oh, say, can you see, by the dawn's early light,

What so proudly we hailed at the twilight's last gleaming?

Whose broad stripes and bright stars, through the perilous fight,

O'er the ramparts we watched, were so gallantly streaming?

And the rockets' red glare, the bombs bursting in air,

Gave proof thru the night that our flag was still there.

Oh, say, does that Star-Spangled Banner yet wave

O'er the land of the free and the home of the brave.

LA MARSEILLAISE

Allons enfants de la Patrie

Le jour de gloire est arrivé!

Contre nous de la tyrannie

L'étendard sanglant est levé! (bis)

Entendez-vous dans les campagnes

Mugir ces féroces soldats?

Ils viennent jusque dans nos bras

Egorger nos fils et nos compagnes.

Aux armes, citoyens, formez vos bataillons!

Marchons! Marchons!

Qu'un sang impur abreuve nos sillons!

In a similar spirit, before the flags of our two nations are raised, let us observe a minute of silence in memory of all those who made the ultimate sacrifice in support of freedom and democracy wherever they may have been.

Historically, both diplomatically and artistically, the United States and France have been bound. From colonialism and nascent nation status, through peace and conflict, this tandem of nations has relied on one another even during the times where they may not have been on the same page. Our Nations have formed an inextricable bond of liberty, full of the implications that such a condition would warrant: strength, determination and solidarity. My hope is to return to full and fruitful mutual respect.

IN MEMORY OF JAMES H.
GILLIAM, JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CASTLE. Mr. Speaker, it is with great honor that I rise to pay tribute to James H. Gilliam Jr. who passed away suddenly last week at the age of 58 after decades of outstanding service to the State of Delaware. Jim was a loving father, husband, and son, as well as a corporate attorney and investor, civic and business leader, philanthropist, and the first black Cabinet secretary in Delaware's history. The numerous accomplishments, recognitions, and admiration Jim has had in his lifetime are truly remarkable.

Until 1998 Jim was the Executive Vice President and General Counsel of Beneficial Corporation and a member of the Executive Committee and the Board of Directors of Beneficial, as well as Chairman of its commercial banking subsidiary, Beneficial National Bank. Before joining Beneficial in 1979, Jim served as Secretary of Community Affairs and Economic Development in the Cabinet of Governor Pete du Pont. Prior to that post he was an attorney with the law firms of Richards, Layton & Finger in Wilmington, Delaware and Paul, Weiss, Rifkind, Wharton & Garrison in New York City. A graduate of Morgan State University, Columbia University School of Law, and the Advanced Management Program of the Wharton School of the University of Pennsylvania, Jim also received Honorary Doctor of Laws degrees from Morgan State University and Delaware State University.

Serving as a board member and trustee for numerous corporations and foundations, Jim was a board member of the Delaware Community Foundation, a Trustee of Christiana Care Corporation, and Founding Chairman of Wilmington 2000, established to assist in rede-

velopment of the City of Wilmington. He was also Chair of the Delaware State Chamber of Commerce, the United Negro College Fund Delaware Campaign, the Capital Campaign for the Chesapeake Bay Girl Scouts Council, and the Walnut Street YMCA in Wilmington, among many others.

Jim also gave back greatly to the legal profession as a member of the American Bar Foundation, as Chair of the Governor's Judicial Nominating Commission in Delaware, and as Secretary of the Board of Bar Examiners for Delaware.

Jim received many awards that further point to his commitment to a life of service to his community. He was awarded the Helping Hand Award by the Delaware Chapter of the NAACP for his efforts to promote diversity in the legal community, as well as the Wilmington Branch NAACP Award for Advocacy in the Education and Civil Rights Arena for Over 25 Years. Jim was also named Outstanding Young Man of the year by the Wilmington and Delaware Jaycees and received the National Conference for Community and Justice/Delaware Region Brotherhood-Sisterhood Award for Leadership and Service toward building a just and inclusive community.

I rise today to praise and honor James H. Gilliam Jr. for his contributions to the State of Delaware and its citizens. His achievements speak to the immense mark he has left on the community. His peers have described him as a great leader, a "giant" of the community, his friends speak of his loyalty, and his daughters speak of his encouragement and unconditional love. Delaware will remember James H. Gilliam Jr. for his great leadership and constant striving to do more for more people.

CARE FOR VETERANS OR TAKE THEIR PLACE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DUNCAN. Mr. Speaker, one of my leading constituents, former Blount County Executive Bob Davis, recently sent me an editorial from the Daily Times of Blount County, Tennessee.

This editorial concerns the medical treatment given to our Nation's veterans who are not high profile celebrities.

This editorial expresses my views 100 percent.

Another Daily Times editorial concerning Free Trade and Fair Trade also expresses my views. I am sick and tired of seeing so many American jobs go to other countries.

We need to start putting our own citizens first once again or we are going to have some real problems in this Nation.

I want to commend the outstanding Editor of the Daily Times, Dean Stone, for these patriotic, common-sense, well-written editorials and would like to call them to the attention of my colleagues and other readers of the RECORD.

TIME FOR CONGRESS TO CARE FOR VETERANS OR TAKE THEIR PLACE!

If our nation expects its healthy citizens in military service to serve and fight on the missions on which they are sent around the world, it is high time we decide to support these veterans who serve.

There may be some question about providing health care for health problems that are not service related but the least we can do is provide prompt and adequate care for wounds and injuries received on active duty.

And this should not be reserved for military personnel such as former prisoner of war Pfc. Jessica Lynch who because of her high-profile situation was given all the medical care anyone could use. And we don't need a double standard for enlisted personnel or officers either. All who serve are human beings, individuals created equal in God's sight and deserving the same medical care for their wounds or injuries.

Army Sgt. Vanessa Tuner, a six-year Army veteran who survived a still-unknown illness doctors feared would kill her, is finding it even tougher after a military flight brought her to her mother's home in Boston's Roxbury neighborhood last month. She had experienced hospital stays in Germany and Washington, D.C.

Despite severe nerve damage in her right leg, she was told it would be mid-October before a doctor at the local Veterans Affairs hospital could see her.

She sought help from Sen. Edward M. Kennedy, D-Mass., and eventually got an appointment scheduled this week but the experience has been frustrating.

Veterans advocates said Turner's frustration is not unusual. More than 100,000 veterans are waiting six months or more for their initial visit with a VA doctor or to see a specialist, the Veterans' Administration acknowledges.

Our nation ignored the complaints of health damage from Agent Orange in the Vietnam War for a couple of decades and we waited almost a decade after Gulf War I to acknowledge there might be something to the many health complaints resulting from that war.

There might be some excuse for those delays of what seemed to be unusual illnesses. However, the majority of individuals who have served in the armed forces are not deadbeats looking for a handout in the form of health care. They have illnesses. They have wounds.

Many have delayed their civilian careers in order to serve our nation. They have postponed their education and preparing for their profession because they felt obligated to defend our nation and the freedoms that all of us treasure.

If you have not put your life on the line in behalf of your country, it is difficult to fully appreciate the awesome responsibility that it is for both you as an individual and your family members. American lives are not trash to be thrown away and should not be considered as such.

Some of our members of Congress, such as Rep. John J. "Jimmy" Duncan, have worked to help veterans and succeeded in getting a new hospital to be built in this area. However, many of these veterans could be treated by doctors as outpatients while living at home if there were an adequate number of doctors.

It is time members of both the House and Senate decide to provide reasonable medical care for members of the armed forces injured or wounded while on duty or let all of our people in service return to civilian life.

But don't count on getting enough volunteers to replace even a company of them from the House or Senate. Too many of these folks are too busy running for the next higher office, better paying job or feathering their nest to see that veterans receive adequate health care.

WE NEED TO FORGET "FREE" TRADE, MOVE TOWARD "FAIR" TRADE

Jobs are going . . . going . . . gone—almost like the chant of a tobacco auctioneer except it has a much more devastating effect.

From January to June this year the unemployment in Tennessee rose from 5.4 percent to 5.6 percent. That is a loss of 10,900 jobs. This has occurred despite the 4,000 new jobs that have occurred since Gov. Phil Bredesen took office. Of course, some of these new jobs were the result of the administration of Gov. Don Sundquist.

Tennessee Commissioner of the Department of Economic and Community Development Matt Kisber said that economic development has continued as a seamless transition between the two administrations. That included landing the \$124 million Toyota plant at Jackson.

Unemployment in Blount County and Tennessee has remained below the national average. But still many local families tell of their sons and daughters with 20 years seniority losing their jobs in other states as major corporations moves their manufacturing plants to Mexico or China.

We need to tell you that we do not think the problem with the economy is the fault of action or inaction by any administration, state or national.

We think the whole problem with the economy lies with the nation's free trade—global economy—approach approved by Congress. And we have to tell you that we have supported the free trade policy. It sounds good on paper but it doesn't work for several reasons.

We were wrong!

It is time for the United States to abandon a free trade policy and adopt a fair trade policy.

In a free trade policy, the nations remove tariffs that protect manufacturing businesses in our country.

A fair trade policy would permit tariffs that would result in selling goods for prices that would be fair considering the differences in the manufacturing costs—things such as wages, working conditions and materials.

National governments have the authority to set tariffs and quota unless they agree not to do so.

Of course, what has happened is that many major U.S. companies have moved their manufacturing operations to China, or are in the process of doing so, to take advantage of the lower wages. That permits them to make bigger profit.

If they were to pay that profit to stockholders that would be fine, the stock market would rebound strongly and help a lot of people, especially those with 401-Ks and IRAs, but that is not going to happen. They will continue to waste much of it on overpaid, greedy executives. Most items can be manufactured for far less in countries where there are no labor standards and the pay scale is very low.

We will probably pay the same price for the manufactured items but we will not have the jobs that will enable our people to purchase the items.

Today, Americans are having to train some of their replacements in countries such as China and India, individuals who will do their job when the companies move overseas.

Think about it!

Our nation cannot maintain its standard of living with all of the manufacturing jobs going overseas.

If allowed to continue unabated, the free trade market would result in our nation sharing its wealth with poor nations. In other words, our standard of living will be greatly reduced.

The difference between most rich and poor nations is farm subsidies and import duties, a form of tariff.

It seems to us that it would be far better to maintain our standard of living and as a nation and provide more foreign aid support

to needy nations. That doesn't mean money to provide arms for Israel or its opponents but perhaps food to the starving.

Textiles are having the most tribulations, jobwise. The U.S. lost 8,000 textile jobs in July. And that doesn't count the 7,600 likely to be lost by the July 30 bankruptcy of Pillowtex Corp., a 106-year-old textile manufacturer.

Since April, the United States has lost 26,000 jobs in textiles and 21,000 jobs in apparel.

Next year's deadline is the end of a decade-long phase-out for quotas used by the United States and other wealthy countries to limit imports from developing countries. That is expected to accelerate China's growing market dominance. The American Textile Manufacturers Institute predicts that 630,000 jobs in textiles, apparel and related industries could be lost by 2006. The impact could be felt as early as next spring as material orders are placed.

North Carolina would be the biggest loser with about 85,000 more losing their jobs in the next three years. That is two out of every three jobs remaining in this field. South Carolina would have 42,000 layoffs.

Quotas slow the drain of U.S. jobs but are estimated to cost an average family of four \$300 to \$750 a year more for clothes. That is a small price to pay for a job though.

Of course, developing nations have something to say about this too. Many of them have tariffs on industrial goods which they must import from richer nations.

Hopefully, we as a nation could be smarter at the bargaining table in adjusting quotas and tariffs in a fair trade market. It appears to us that if we lose the majority of our manufacturing jobs there will not be anything left to negotiate!

NORTHWEST INDIANA ALLIANCE BASKETBALL TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate and recognize the Northwest Indiana Alliance Basketball Team on winning the national title for the 9th grade category at the United States Specialty Sports Association Nationals in Fort Wayne, Indiana on August 3, 2003. The tournament began on July 30, 2003 and ended with the Alliance's outstanding victory against the Illinois Wildcats on August 3rd.

The Northwest Indiana Alliance is made up of seven high school sophomores and two freshmen from across Northwest Indiana, along with their coach Mr. Jim Van Weelden. With their collaborated efforts, they achieved victories over other teams from Illinois, Michigan, Ohio, and other states across the nation. With an outstanding record throughout multiple tournaments, the Alliance completed their highly successful season with 34 victories and 17 losses, 16 of those by ten points or less.

Mr. Aric Van Weelden, a sophomore at Munster High School, has been a member of the Junior Varsity team for Munster since his freshman year. Two other Alliance members, Mr. Scott Rutkowski and Mr. Jeff Marinier, were also members of the Munster High School Junior Varsity Basketball Team as freshmen. Mr. Andrew Helmer, from Highland High School, plays three different sports for his high school including football, basketball,

and baseball. All four of these great athletes from Northwest Indiana became leaders for the Alliance team by averaging 12 to 15 points each per game.

Mr. Nate Triezenberg, a resident of Highland, is a freshman at Illiana Christian High School, and is recognized by his teammates for his positive attitude and strong will. Mr. Nick Ullman just completed his freshman year at Andrean High School in Merrillville last spring, and is now a sophomore at Crown Point High School. Another Alliance member that plays many different sports at his high school is Mr. Derek Moser, who plays football, basketball, and baseball for Highland High School.

The remaining two members of the Northwest Indiana Alliance are Mr. Mike Bizoukas and Mr. Nick Stolarz from Munster High School. Mike recently completed his 8th grade year at Wilbur Wright Middle School, and is now a freshman at Munster High School. Nick, as a freshman, played on the Junior Varsity team, and is now a sophomore at Munster High School.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Northwest Indiana Alliance Basketball Team for their outstanding championship victory at the United States Specialty Sports Association Nationals. Their hard work and dedication is worthy of the highest commendation.

SIKHS PROTEST ON INDIAN INDEPENDENCE DAY, DEMAND FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. TOWNS. Mr. Speaker, while we were in recess, India celebrated its Independence Day on August 15. I join my colleagues in congratulating India on 56 years of independence, but what is India really celebrating?

Indian Independence Day is certainly not a celebration for the minorities living under the boot of Indian repression. Is missionary Graham Staines, who was burned to death along with his two young sons while they slept in their jeep, celebrating? Is human-rights activist Jaswant Singh Khalsa, who was murdered in police custody after exposing the Indian government's policy of mass cremations, celebrating? Is Gurdev Singh Kaunke, who was murdered by the Indian police official Swaran Singh Ghotna, celebrating? What about the priests who have been murdered, the nuns who have been raped, the Christians whose peaceful religious festival was broken up by police gunfire, or American missionary Joseph Cooper, who was thrown out of the country after being beaten so severely by Hindu nationalists that he had to spend a week in a hospital? Do you think they are celebrating Indian Independence Day? I seriously doubt it, Mr. Speaker.

India is a multinational state like the old Austro-Hungarian Empire or the Soviet Union. The record of history is that countries like that don't last. Eventually, they all break up. That makes India's 56 years of independence all the more remarkable, and perhaps it explains why India has to try to keep the country together by force.

This effort has claimed the lives of over a quarter of a million Sikhs, over 200,000 Christians in Nagaland, more than 85,000 Kashmiri Muslims as well as thousands of Muslims in Gujarat and other places around the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and so many others. According to the Movement Against State Repression, India admitted to holding more than 52,000 Sikhs as political prisoners under TADA, a repressive law that expired in 1995. Some of these Sikhs have been in custody for almost 20 years without charge or trial. Even a Sikh Member of Parliament has recently had TADA charges brought to court against him. Amnesty International notes that tens of thousands of Christians, Muslims, and others are also being held as political prisoners, Mr. Speaker. Do you think they are celebrating India's independence?

Listen to what a spokesman for the Golden Temple, Narinder Singh, told National Public Radio on the fiftieth anniversary of Indian independence in 1997: "The Indian government, all the time they boast that they are secular, that they are democratic. They have nothing to do with a secularism, nothing to do with a democracy. They kill Sikhs just to please the majority." And Sikhs are unfortunately not the only ones. That is why Sikhs from the East Coast showed up to protest in front of the Indian Ambassador's residence, where an Independence Day celebration was being held. They demanded the basic democratic freedom of self-determination and freedom for the Sikh homeland, Khalistan, which declared itself independent on October 7, 1987.

Mr. Speaker, it is time for America to take a stand for freedom and democracy in South Asia. We must act now to cut off aid to India until it allows real democracy and freedom for the Sikhs, Christians, Dalits, Muslims, and other minorities. And we must put this Congress on record in full support of self-determination for all the peoples and nations of South Asia in the form of a free and fair plebiscite on the question of independence. Self-determination is the cornerstone of democracy and India is not allowing self-determination for anyone but the upper-caste Brahmins. A free and fair plebiscite will allow everyone to have self-determination and allow this to happen peacefully. We must not allow militant Hindu fundamentalist theocrats to turn South Asia into another Yugoslavia, Mr. Speaker.

I would like to place the International Sikh Organization's press release on the Independence Day protest into the RECORD at this time.

DECEITFUL INDIAN GOVERNMENT MOVES INDEPENDENCE DAY CELEBRATION TO AVOID SIKH DEMONSTRATORS—ARE VICTIMS OF INDIAN REPRESSION CELEBRATING?

WASHINGTON, D.C., August 15, 2003.—The cowardly, deceitful Indian regime again moved its Independence Day celebration from the Indian Embassy in Washington, D.C. to the Ambassador's residence to avoid Sikhs who came from Pennsylvania, New Jersey, Maryland, and Virginia to protest Indian repression of Sikhs, Christians, Muslims, and other minorities and to demand an independent, sovereign Khalistan.

"This action shows the cowardice of the fundamentalist Hindu nationalists," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "They are afraid of a peaceful protest," Dr. Aulakh said. "That is not how democracies act," Dr. Aulakh said.

The protestors raised slogans like "India out of Khalistan", "Khalistan Zindabad", and others. They carried signs demanding

the release of over 52,000 Sikh political prisoners in India as well as thousands of Christian, Muslim, and other political prisoners, denouncing India for its violent repression of minorities, pointing out India's long history of anti-Americanism, and demanding freedom for Khalistan. Khalistan is the independent Sikh homeland declared on October 7, 1987. It has been under Indian occupation since then. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have "the glow of freedom" and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849 and were recognized by most of the countries of the world at that time. No Sikh representative has ever signed the Indian constitution. The Council of Khalistan is the government pro tempore of Khalistan, the Sikh homeland.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. "We only hope that the breakup will be peaceful," said Dr. Aulakh, "and that the fundamentalist Hindu nationalists will not force a violent, bloody breakup like that of Yugoslavia." India is ruled by Hindu theocrats whose agenda is "Hindu, Hindi, Hindutva, Hindu Rashtra," or total Hindu domination of every facet of Indian life. An Indian Cabinet minister said that everyone who lives in India must be a Hindu or subservient to Hindus.

"It is clear that India does not accept Sikhs," said Dr. Aulakh. "The Indian government continues to persecute and kill our Sikh brethren," he said. "Sardar Atinder Pal Singh's question of 13 years ago is still the question facing the Sikh Nation: Why don't we liberate Khalistan? As Professor Darshan Singh, a former Jathedar, said, 'If a Sikh is not for Khalistan, he is not a Sikh.'" Dr. Aulakh noted. An Indian newspaper reported on Tuesday that Sikhs in India had decided not to celebrate Indian Independence Day, but instead would hoist a black flag for the occasion. "This shows that the drive for freedom is still alive in Punjab," Dr. Aulakh said.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits (the aboriginal people of the subcontinent), and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"Is Jaswant Singh Khalra celebrating? Is Jathedar Kaunke celebrating? Is Graham Staines celebrating?" Dr. Aulakh asked. "How can a democracy celebrate the kind of violent repression that claimed their lives?"

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder. SSP Swaran Ghotna has never been brought to trial for the Kaunke murder. Yet according to a report by the Movement

Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984!

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hanuman," a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat last year have never been brought to trial. An Indian newspaper reported that the police were ordered to stand aside in that massacre and not to get involved, a frightening parallel to the Delhi massacre of Sikhs in 1984.

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia," Dr. Aulakh said. "We must free Khalistan now."

CONGRATULATING DR. SHELBY M. ELLIOTT ON HIS RETIREMENT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. GREEN of Texas. Mr. Speaker, on December 31, 2003, Dr. Shelby M. Elliott will retire as president of the Texas Chiropractic College. I rise to congratulate Dr. Elliott on his successful tenure at Texas Chiropractic College and to wish him well in his retirement.

Shelby M. Elliott was born in Wild Cherry, Arkansas, the eldest son of parents who instilled the values of hard work and the importance of attaining as much education as possible. After attending pre-chiropractic coursework at Paducah Community College, he completed his Doctor of Chiropractic degree at Texas Chiropractic College, then enrolled in Logan College of Chiropractic and earned a second doctorate.

He maintained a successful chiropractic practice in Dayton, Texas for 38 years and held several key business and civic leadership positions, including president of the Rotary Club of Dayton, charter member of the Dayton American Legion Post No. 512, board member of the Moody National Bank and the First Texas Bank, and member of the Dayton School Board and the Dayton-Liberty Chamber of Commerce.

Dr. Elliott was honored as "Young Chiropractor of the Year" in 1964 and as "Chiropractor of the Year" in 1971 by the Texas Chiropractic Association and has been awarded the coveted Keeler Plaque. He was also awarded the "William D. Harper Science of Existence Award" in 1988 by Texas Chiropractic College, the "Lifetime Chiropractic Achievement Award" in 1988 and the "Doctor of the Year" in 1990 by the American Chiropractic Association and was honored as "Citizen of the Year" by the Pasadena Chamber of Commerce in 1996. I first met Doc Elliott in 1974 when he ran for State representative in East Texas. His loss was healthcare's gain.

He has held every elective position in local, State and national chiropractic associations. Shelby Elliott served as president

of the Board of Governors for the American Chiropractic Association for an unprecedented five years, during his nine-year tenure on this board. He even served nine years on the Texas Board of Chiropractic Examiners, having been appointed by two different governors.

Shelby Elliott was appointed as the twelfth president of Texas Chiropractic College on September 1, 1990. At the time of his appointment, the Texas Chiropractic College was suffering with significant financial and morale problems. The Texas Chiropractic College Board of Regents recognized that the college needed a leader with vision and focused discipline. Fortunately, the Board of Regents was able to convince Shelby Elliott to accept the position of president and retire from professional practice for the sake of saving Texas Chiropractic College from bankruptcy and closure.

Dr. and Mrs. Connie Elliott personally gave \$10,000 of their own funds to renovate the president's office when they began, and have always been leaders in financial support to the Texas Chiropractic College. Dr. and Mrs. Elliott even donated the Texas Chiropractic College landmark sign that welcomes visitors to the campus.

Today, the Texas Chiropractic College is financially secure, with cash reserves thanks to Dr. Elliott's financial management skills. During his successful tenure, Dr. Elliott has built four beautiful and significant campus buildings within a five year period, improving the college's capacity to provide quality education for a new generation of health care providers.

Mr. Speaker, Dr. Shelby Elliott is a legend in Texas and will be sorely missed. As a fitting tribute to his dedication to the Texas Chiropractic College, I ask my colleagues in the House of Representatives to join me in congratulating Dr. Shelby Elliott for his fine work and to wish him well in his retirement.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall votes 463–480 on Wednesday, September 3 through Friday, September 5. Had I been present, I would have voted “yea” on rollcall votes 460, 461, 462, 466, 467, 468, 469, 471, 472, 474, 475, 476, 477, 479 and “nay” on rollcall votes 463, 464, 465, 470, 473, 478, 480.

HONORING STANLEY GRAZIUL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Stanley Graziul, a veteran in my congressional district who has served his country with distinction.

Stanley Graziul is a World War II hero. He served in the Army's 97th Infantry Division, in Battery B of its 365th Field Artillery Battalion, which saw heavy action during the war. Stan-

ley single-handedly captured twenty-five German soldiers in Liebeneck, Czechoslovakia, on April 26, 1945. He was alone that morning guarding Battery B's perimeter when a young soldier dressed in an American uniform approached him. Stanley sensed that something was wrong and ordered the man, a German soldier, to halt. After interrogating him, Stanley learned that twenty-four of the soldier's comrades were hiding in the woods and promptly took them into custody, until he encountered American GI's who could take the Germans to a nearby prisoner-of-war camp.

Stanley Graziul's commitment to his country and the causes in which he believed did not end with his military service. He returned to the United States after the war and became actively involved in his community. He gave his time and energy to help many volunteer and service organizations assist those less fortunate than him. He also became active in the political process and donated his time and money to candidates and causes in which he believed. He and his wonderful wife, Caroline, live in my congressional district in Spring Hill and remain active in the community still today.

Mr. Speaker, Stanley Graziul is a true American hero. His honor, courage, and bravery, and that of countless American veterans, helped us win World War II and ensure that our democratic republic endured. I am proud to call him a constituent, and more important, to have him as a friend. I urge our colleagues to remember his example, and those of their constituents, as we exercise the freedoms that they helped secure.

TRIBUTE TO KATHLEEN A. WELLS UPON HER RETIREMENT FROM CRISIS SERVICES OF NORTH ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CRAMER. Mr. Speaker, I rise today to honor Kathy Wells who was instrumental in turning HOPE Place from a shelter for victims of physical and sexual abuse, to a nationally known comprehensive services agency providing services, support, and education to individuals and families in crisis. Today, she is moving on from her position as Executive Director of Crisis Services of North Alabama for an opportunity to represent victims of domestic violence for the entire State of Alabama.

Kathy Wells has been involved in helping domestic violence victims for well over 20 years. Her work began as a volunteer and in 1981 she was a leading force in the development of HOPE Place as a domestic violence shelter. HOPE Place, which is now known as Crisis Services of North Alabama, is one of Huntsville's brightest stars and assets. Kathy's dedication and work effort are chiefly responsible for its success.

Ms. Wells is well-known and respected for her tireless work on legislation and advocacy for victims of domestic violence. Her extensive background and knowledge has led to many opportunities for her to testify as an expert witness at several trials, an overwhelming number of invitations to conduct training sessions, appointments by three governors to sit on five statewide domestic violence committees, and

requests to be the keynote speaker at many seminars and forums.

Mr. Speaker, today Kathy Wells's colleagues, friends and family are gathered in Huntsville, Alabama, to give her thanks and to congratulate her on her future endeavors. Since I cannot be there, I want to take this opportunity to honor her on behalf of the people of North Alabama, especially those who have regained confidence and a sense of self-worth because of Kathy's dedication and hard work.

TRIBUTE TO PAULA MONTANEZ— 2003 BOY SCOUTS OF AMERICA DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Paula Montanez is one of these individuals. On September 30, 2003, Paula will be honored at the 2003 Distinguished Citizens Awards Dinner organized by the Boy Scouts of America.

Paula was born in Oklahoma, her mother's home state, but has lived most of her life in Southern California. She graduated from Corona High School in 1973 and attended college at the University of California, Riverside and Cal Poly Pomona. She received her Bachelor's Degree in Home Economics.

Paula and her husband Eugene, a Corona City Council Member, own and operate Zap Printing & Graphics, a successful printing company. In addition to her work she finds time for numerous organizations. She is a past president of Soroptimist International of Corona, a board member of the Corona Library Foundation and she has been involved in the Corona Reads projects for the past two years.

Paula has been a committee member of Cub Scouts Pack 121 and Boy Scouts Troop 121. She has also been a committee member of St. Edward School Development Commission, Santiago High School Soccer Boosters Board, Corona Regional Medical Center Foundation Board, and PrintImage International trade association. In 1998, Paula was awarded the “Women Helping Women” award by Soroptimist International of Corona. Her constant support and involvement has been an inspiration to fellow community members.

Paula's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives the 2003 Boy Scouts of America Distinguished Citizen Award.

CUBAN TRAVEL: FOLLOW THE MONEY

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DELAY. Mr. Chairman, there is no such thing as a "Cuban tourism industry." There is only Fidel Castro and his thugocracy.

If we pass this amendment, the money American travelers spend in Castro's Cuba will be confiscated by his regime and invested in his criminal empire.

If you believe American tourism will somehow help the situation there, remember that Cuba's tourist hotels—enjoyed by travelers from Canada, Europe, and elsewhere—have been up and running for decades, yet Castro's regime remains one of the horrors of the Western Hemisphere.

Make no mistake: Fidel Castro is not some curious anachronism. He is a violent criminal.

More than 100,000 Cubans have been imprisoned, and more than 15,000 murdered by his regime. Just in the last six months, he ordered what Amnesty International called "an unprecedented crackdown" on Cuba's pro-democracy movement.

This past spring, seventy-five pro-democracy advocates, working within Cuban law, were rounded up and imprisoned by Castro's secret police. They are now serving prison terms of up to 28 years, in unsanitary conditions and without access to health care, many for simply borrowing the wrong library books.

This amendment would reward such injustice.

Fidel Castro—thief, murderer, and tyrant—is the only Cuban who will benefit from this amendment. The hotels American tourists will patronize are off limits to ordinary Cubans, and so will be the profits they generate.

Proponents of this amendment would have us believe that vacationers in flip-flops and Hawaiian shirts, sipping mojitos at Cuban beach resorts will somehow improve human rights conditions there. Instead, Mr. Chairman, it will subsidize Castro's oppression and torture.

Those are the stark and unavoidable terms of this amendment. And I urge all my colleagues, in the name of justice, to vote no.

PRIVATE SECTOR MANDATE ESTIMATE FOR H.R. 2622, THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. OXLEY. Mr. Speaker, pursuant to section 423(f)(2) of the Congressional Budget Act, I am hereby submitting for printing in the CONGRESSIONAL RECORD the statement of private-sector mandates for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, prepared by the Director of the Congressional Budget Office pursuant to section 424(b) of the Congressional Budget Act. This statement was not available for printing in the report by the Committee on Financial Services to accompany that bill (H. Rept. 108-263).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed statement on private-sector mandates for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003. CBO completed a federal cost estimate and an assessment of the bill's effects on state, local, and tribal governments on September 3, 2003.

If you wish further details on the private-sector statement, we will be pleased to provide them. The CBO staff contact is Paige Piper/Bach, who can be reached at 226-2940.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

H.R. 2622—Fair and Accurate Credit Transactions Act of 2003

Summary: H.R. 2622 would permanently extend the national credit reporting standards in the Fair Credit Reporting Act (FCRA) which is scheduled to expire on January 1, 2004. The bill would prevent states from imposing new restrictions on how financial institutions share consumer information. The bill also would provide new consumer protections against identity theft (that is, fraud committed using another person's identifying information). In addition, H.R. 2622 would give consumers access to certain financial records, promote increased accuracy of credit reports, and provide protections of consumers' medical information.

H.R. 2622 would impose several private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on consumer reporting agencies, individuals and businesses that print electronic credit card receipts, certain mortgage lenders, financial institutions, credit and debit card issuers, and debt collection agencies. CBO expects the direct costs of those mandates would exceed the annual threshold for private-sector mandates (\$117 million in 2003, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.

Private-sector mandates contained in bill: H.R. 2622 would impose private-sector mandates, on consumer reporting agencies, individuals and businesses that print electronic credit card receipts, certain mortgage lenders, financial institutions, credit and debit card issuers, and debt collection agencies by: Requiring free credit reports upon the request of an individual;

Requiring truncation of credit card account numbers on receipts printed electronically;

Requiring disclosure of credit scores when approving certain loans; and

Requiring certain fraud alerts and blocks in consumer credit files.

Estimated Direct Cost of the Private Sector: CBO expects the aggregate direct costs of the private-sector mandates in the bill would exceed the annual threshold established by UMRA (\$117 million in 2003, adjusted annually for inflation) in at least one of the first five years the mandates are in effect.

Consumer access to credit reports

Section 501 would require consumer reporting agencies to provide an annual free credit report upon the request of an individual. Based on information from industry and government sources, CBO assumes a threefold increase in the number of individuals requesting a free credit report each year. CBO estimates that the additional direct consumer reporting agencies for providing mandatory free credit reports would be \$1.00 to \$2.00 per report with a total cost ranging from \$30 million to \$60 million per year.

Under current law, if a consumer disputes information contained in their consumer file at a consumer reporting agency, the agency must reinvestigate the disputed information free of charge. The mandate requiring free credit reports would have a secondary effect. The number of consumers who would exercise their option to receive a free annual credit report would likely increase the number of subsequent reinvestigations. According to industry sources, the cost for additional reinvestigations would be \$7.00 to \$8.00 per reinvestigation. Assuming half of those individuals who receive a free credit report dispute the information requiring a reinvestigation, the total cost would range from \$110 million to \$125 million per year. Such cost would not be direct cost, as defined in UMRA, and would not count towards the statutory threshold.

Truncation of credit card account numbers

Section 203 would impose a private-sector mandate by requiring individuals and businesses that accept credit cards to truncate the credit card account numbers by including no more than the last five numbers on an electronically printed cardholder receipt. The mandate would take effect three years from the date of enactment for machines currently in use and beginning in 2006 for machines put into service after January 1, 2005. According to the credit card processing industry, some systems are currently in compliance because they are capable of electronically printing truncated account numbers on customer receipts. In order to comply with this mandate, some merchants would have to make modifications to their systems, including software reprogramming, formatting changes to dial-up terminals, and purchase of new printing devices. Costs to replace machines would range from \$300 to \$1,000 per unit. Assuming merchants would have to replace 25 percent of the currently used machines in 2007, the cost to replace such machines, including programming modifications, would amount to at least \$85 million in that year.

Disclosure of consumer credit score

Section 502 would require certain mortgage lenders that use a consumer credit score in approving loans to provide a copy of the credit score and associated information received from a consumer reporting agency to the customer as soon as reasonably practicable. Based on approximately 13 million annual mortgage loan applications affected by this provision, and handling and mailing costs provided by the industry, CBO expects that the direct cost to provide such information would range from \$35 million to \$55 million per year.

Fraud alert in credit file

Section 202 would require consumer reporting agencies to include a fraud alert in the file of a consumer and disclose to the consumer that they may request a free copy of the file when the agency receives a direct request that a consumer has been or is about to become a victim of fraud, including identity theft. A consumer reporting agency would also be required to include an active-duty alert in the file of an active-duty military consumer upon their request. In addition, section 205 would require consumer reporting agencies to block any information in the file of a consumer that the consumer identifies as resulting from an alleged identity theft and confirms with a police report. An agency also would be required to notify the furnisher of the information identified by the consumer of certain information regarding such a block. According to the consumer reporting industry and government sources, the national consumer reporting agencies generally provide such alerts and

blocks voluntarily. Therefore, CBO estimates that the direct cost to comply with those mandates would not be significant.

Other notification and disclosure requirements

Other provisions of the bill would impose private-sector mandates as follows:

Prohibit any person who receives a copy of a police report from a consumer regarding identity theft from furnishing any negative information on the consumer to a consumer reporting agency;

Require a financial institution that extends credit to provide a one-time notice in writing to a customer, no later than 30 days after the institution furnishes negative information to a consumer reporting agency regarding credit extended to the customer;

Require credit card issuers to clearly and conspicuously disclose to a consumer their ability to increase an annual percentage rate in certain circumstances when making unsolicited offers of credit to consumers; and

Require a debt collection agency that learns information in a consumer report is the result of identity theft or otherwise is fraudulent to notify the furnisher of the information or the relevant consumer reporting agency that the information is fraudulent.

Based on information from various industry and government sources, CBO expects the direct cost to comply with those mandates would not be as significant as the direct costs of other mandates in the bill.

In addition, the bill would impose other private-sector mandates as follows:

Require a consumer reporting agency that receives a request for a consumer report using an address substantially different for the addresses in the consumer's file to notify the requester of the existence of the discrepancy;

Require credit and debit card issuers that receive a request for additional or replacement cards on an existing account within a short period of time after receiving a change of address form to notify the cardholder at the former address or use other means to confirm the address change; and

Prohibit a consumer reporting agency from providing credit reports that contain medical information with some exceptions and would require medical companies to identify themselves as such when reporting credit information.

According to industry sources, many entities currently comply with such requirements voluntarily, and therefore, the direct cost to comply with those mandates would not be significant.

Estimate prepared by: Paige Piper/Bach.

Estimate approved by: Roger Hitchner, Assistant Director for Microeconomics and Financial Studies Division.

TRIBUTE TO MOTHER TERESA

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. FROST. Mr. Speaker, I rise today to honor the late Mother Teresa of Calcutta for her many years of dedication to the world's poorest citizens.

Ordained as a sister in 1928, Mother Teresa originally served as a teacher at St. Mary's High School in Calcutta from 1929 to 1948. In 1948, the poverty outside her convent inspired her to leave her school and begin working to help the country's most vulnerable citizens.

In 1950, she founded the Sisters of Charity with a mission to serve the poor, the suffering,

and the dying in whatever place they called home. Today Mother Teresa's order has over 5,000 sisters and brothers and over 50 different relief efforts to help the "poorest of the poor" in India. In her later years, she worked to establish hospice programs for AIDS patients.

Mother Teresa has been recognized worldwide for her devotion to the poor. She was awarded the Nobel Peace Prize in 1979 and the Presidential Medal of Freedom and the Lifetime Achievement Award from the Foundation for Hospice and Homecare in 1985.

Mr. Speaker, few people have served humanity with more compassion and love than Mother Teresa. Mother Teresa was a perfect example of love and compassion to people of all nations and all religious backgrounds. Once quoted as saying, "Let no one come to you without leaving better and happier," Mother Teresa lived her faith. While her work lives on today in the work of her order, she deserves special recognition for her tremendous achievement. I know that my colleagues will join me today in honoring Mother Teresa's life and wishing her religious order the greatest success in their future endeavors.

TRIBUTE TO BOBBY SPIEGEL—2003 BOY SCOUTS OF AMERICA DISTINGUISHED CITIZEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Bobby Spiegel is one of these individuals. On September 30, 2003, Bobby will be honored at the 2003 Distinguished Citizens Awards Dinner organized by the Boy Scouts of America.

Bobby graduated from Corona High School and has been a Corona resident since 1973. He attended Fullerton Junior College and began his career as an entrepreneur with his first business, The Flower Shoppe. He sold the business to work in the family electrical business in 1980. In 1989, while still working for the family business, he and his wife, Karen, a Corona City Council Member, started Spiegel Enterprises/Publications.

Bobby began volunteering at a young age when he first joined the Jaycees, the Junior Chamber of Commerce, in 1976. He served in almost every capacity and learned from the experience. He served as state president in 1986 and 1987 and was honored with one of the top ten awards in the nation for his service. Over the years, Bobby has also served on the Board of Directors for several community and professional organizations including the American Cancer Society, The National Electrical Contractors Association, and the YMCA. Bobby was also the charter president of the Circle City Rotary Club and is past president of Congregation Beth Shalom. He currently serves as Chairman for the Corona Regional Medical Center Foundation.

Bobby has been recognized for his impressive community service and exemplary leadership. He was the recipient of the Outstanding Young Men of America award, the California Jaycees and US Jaycees awards, Rotary International award, and was named 1988 Corona Citizen of the Year.

Bobby and Karen have five children, Tanya, Rebecca, Rachel, Isaac, and Joshua who continue their parent's commitment to community involvement and service.

Bobby's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the 2003 Boy Scouts of America Distinguished Citizen Award.

CONGRATULATING ALEIDA VARONA, ADMINISTRATOR OF THE PUERTO RICO CHILD SUPPORT ADMINISTRATION, FOR RECEIVING THE COMMISSIONER OF CHILD SUPPORT ENFORCEMENT'S "ACHIEVEMENT BEYOND THE CALL OF DUTY" AWARD

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, I want to take this opportunity to share some excellent news with my colleagues, and to give credit where credit is due. I am very proud to announce that Puerto Rico's Child Support Enforcement Administrator, Ms. Aleida Varona, has been singled out by the HHS's Administration of Children and Families' Office of Child Support Enforcement (OCSE) to receive their first ever Achievement Beyond the Call of Duty Award. What makes me even more proud, especially in these times, is that her "beyond the call of duty" project was part of the effort to mobilize our troops to Iraq. Ms. Varona's award is therefore not only a recognition of her own commitment and hard work and that of the administration of Gov. Sila María Calderón. I believe this award, more importantly, recognizes two of the highest values that Puerto Ricans hold dear: the central importance of family and our great pride in and loyalty to our country, the United States of America.

I have mentioned before how committed Gov. Sila Calderón and her administration is to protecting the well being of our children, and especially to making sure that all of Puerto Rico's children receive the resources and support they need to grow safely and soundly into productive, healthy citizens. Ensuring that every child gets the appropriate support from each of their parents is a cornerstone of this goal. To achieve this the Commonwealth of Puerto Rico has developed one of the most modernized and effective Child Support enforcement programs in the Nation. Last year, the Commonwealth collected \$223 million in child support payments for approximately 151,000 families. This amounts to three times Puerto Rico's welfare grant—a ratio that is

three times the national average, even though the average monthly child support payment was only \$123. Moreover, this represents a nearly 1,200 percent return on the federal investment of \$18.9 million. The Commonwealth also served an additional 86,000 families by helping to locate non-custodial parents and proving paternity. In addition, last year Puerto Rico became the second jurisdiction in the country to move to a completely paperless payment system, where all families receive their support payments either by direct deposit or an electronic benefit transmission card. These achievements speak for themselves as a testament to the Commonwealth's commitment to children and to the economic self-sufficiency of our families.

With the recent mobilization of American troops to Iraq, our Child Support Enforcement Administration pushed the envelope of achievement even further. As you all know, Puerto Ricans are deeply patriotic people, and historically, our contributions to the military have also exceeded the call of duty. Puerto Rico has one of the highest per capita rates of military service in the country. When Operation Iraqi Freedom came along it was no different. More than 5,300 National Guard, Air National Guard, U.S. Army Reserve and U.S. Marine troops were called up in Puerto Rico's largest military mobilization ever. Only seven States had larger mobilizations, and more than 1,500 servicemen and women remain on active duty in Iraq and Kuwait to this day.

When called upon by our country, Puerto Ricans have always served with pride, and have consistently and willingly endured the sacrifices required to fulfill our patriotic duty. We all know that for the service men and women that are also Moms and Dads, this is a particularly difficult sacrifice, because it means saying goodbye to their children. This was where Ms. Varona stepped in. She set up a project to give these parents the peace of mind that, whether they had custody of their children or not, those children would receive all of the support that they are entitled without interruption. This project provided these children with the support to which they are entitled, even though Daddy had a different job or that they were living with Grandma now because Mommy was fighting a war.

In cooperation with the office of Puerto Rico's Governor and Puerto Rico's Department of the Family, Varona partnered with National Guard Commanding Officer General Francisco A. Márquez Haddock and Army Commander Brigadier General José M. Rosado to operate seven Family Assistance Centers in the various armories where activated personnel were being processed. Varona provided experienced agency employees to assist individuals in ensuring that the correct amount of child support would be received by service men and women's families during their deployment without interruption. This guaranteed that virtually every activated soldier subject to a support order received relevant orientation services, and if appropriate, participated in a modification and/or wage withholding initiation process. It also guaranteed that custodial parents had the opportunity to communicate changes in the temporary guardianship of their children during their deployment.

This initiative is a vibrant, living testament of Puerto Rico's strong tradition of military service. Fittingly, the OCSE changed the name of

this award, which was originally for customer service, when it found out how Ms. Varona did, indeed, go beyond the call of duty to ensure the smooth mobilization of our soldiers to Iraq with the least disruption possible to their families. Thanks to Ms. Varona's concern and commitment to our military personnel and their dependents, and her willingness to go the extra mile, Puerto Ricans were able to fulfill their vital responsibilities to their country knowing that their fundamental responsibilities to their families were being met.

AL ZAMPA MEMORIAL BRIDGE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, within the next few months the people of my district and the San Francisco Bay Area will be celebrating the opening of the new Carquinez bridge span across the Carquinez Straits. This event will be more than the opening of a new highway bridge; it will be the celebration of a man's life, the revitalization of a community, and the ongoing building of America.

The new bridge will be named the "Al Zampa Memorial Bridge." It celebrates the life of a great American, Alfred Zampa, an ironworker, his family, his son Dick Zampa, and his grandsons, Dick and Don Zampa, who carry on his great tradition. It is my privilege to share with my colleagues the account of this achievement in the San Francisco Chronicle, August 31, 2003:

[From the San Francisco Chronicle, Aug. 31, 2003]

BRIDGE TO THE FUTURE

CROCKETT COUNTING ON NEW CARQUINEZ SPAN
TO MAKE IT A DESTINATION TOWN

(By Jenny Strasburg)

There's big talk these days in the small town of Crockett—in its corner taverns and grocery marts—about plans for a November fireworks show, memories of a departed ironworker named Alfred Zampa and the opening of the bridge that bears his name.

The four-lane Al Zampa Memorial Bridge is nearing completion over the Carquinez Strait, the first major suspension bridge to be built in the United States in 30 years, and the longest one built in almost 40 years.

Labor Day weekend lends an appropriate bit of timing for the home stretch of a \$300 million-plus project constructed by union hands and named after a Bay Area labor legend.

For more than three years, traffic disruptions, dust and the din of jackhammers, pile drivers and earthmovers have tested residents and business owners in the unincorporated burg on the southern edge of the strait.

Now, Crockett is ready to get its freeway ramps back. But it's looking for more than just relief from the noise and detour signs. Many see the eye-catching new bridge as a welcome gateway to revitalization opportunities for the town of 3,200—home to a C&H Sugar refinery in operation since 1906.

Crockett grew up a company town. But looking forward, it has bigger aspirations.

It wants day-trippers from San Francisco and Oakland. It wants streams of out-of-town customers for its handful of art galleries, antique shops and sandwich delis.

Toot's Tavern, Club Tac and Ray's Corner Saloon—survivors of a once-teeming population of watering holes that served thousands of plant workers in a bygone era—wouldn't mind seeing a few more rear ends on their barstools.

"Nobody stops in Crockett the way they used to. You have to go 3 miles out of your way" because of Interstate 80 off-ramp detours, said Ken McBee, who owns Club Tac on Pomona Street, the main artery.

"Crockett hasn't really been publicized," added McBee, a Crockett resident for 28 years. "Nobody knows it's here. They know about C&H, but they don't know what's around it."

During the past few years, a steady flow of iron- and steelworkers, painters, engineers and other bridge crew members, most of whom commute from other towns, have brought some business to Crockett.

Several shop owners, however, said they're still scraping by financially.

"Construction workers—that's all the business we get at lunch," whereas more highway travelers used to stop over, said Chris Choo, owner of the Pomona Deli downtown. "Access is closed here, closed there. You don't understand how hard it is to survive."

To drum up business for his bar, McBee started serving Mexican dinners on Mondays and steak dinners on Wednesdays. Ten dollars buys a New York strip or rib-eye with a baked potato and dessert.

Maybe word will spread when the new bridge opens, McBee figures, and more city dwellers will find their way to his tavern for dinner in a charming small town.

"I certainly hope so," he said. "I'm hurting."

It's clear elsewhere in town that Crockett, as soon as possible, wants a bit of the spotlight being shone on the bridge that pays tribute to the life of Al Zampa, who as a child lived down the road in the now-defunct town of Selby. His family moved to Crockett when he was a teenager.

"This truly puts Crockett on the map in a way that's never been done before," said Gene Pedrotti, who lives in Crockett and runs a store that started there, Pedrotti Ace Hardware, now located in nearby Benicia.

A tireless Crockett promoter, Pedrotti is the central organizer of a dozen bridge-opening committees that pull members from Crockett, Vallejo and other nearby towns.

For months they have worked to line up sponsors, fireworks, speeches, a parade and other events to coincide with the bridge's grand opening.

The main events are tentatively planned for the weekend of Nov. 8 and 9—though a hard-to-predict construction schedule could change that, a Caltrans spokesman warned. Caltrans is overseeing construction of the bridge, which is expected to carry 120,000 vehicles per day west bound on Interstate 80 toward San Francisco.

Pedrotti says that one of the biggest draws regionally, once the bridge-opening fanfare has passed, will be its two-way pedestrian and bicycle path.

The Al Zampa Bridge will introduce pedestrian access to the Carquinez span, closing a gap in the Bay Trail that's being developed in encircle San Francisco Bay.

Traffic could flow on the new span within days of the November opening ceremonies. The pedestrian and bicycle path might not be open for several more weeks after that, according to Caltrans.

A 5-acre landscaped park is planned for the hillside leading down to the waterfront underneath the bridge.

"I think a lot of people are going to suddenly discover Crockett when they realize there's a cool bridge to walk across on a nice summer day," Pedrotti said.

Already, town boosters have worked the name and design of the Zampa bridge into a logo that shows up on T-shirts and ball caps for sale at small businesses in town and on the Internet (www.alzbridge.com).

The same logo decorates banners on light poles in the center of Crockett.

Zampa, during his storied career, worked on both the 1927 and 1958 Carquinez spans as well as the Oakland-San Francisco Bay Bridge, Golden Gate Bridge, Martinez Bridge and Richmond-San Rafael Bridge.

He became a celebrity of sorts after he survived a fall from the Golden Gate in 1936. He landed in a safety net—at the time a new feature of bridge construction—but the net sagged. Zampa, according to his recollection in interviews, hit the rocks below and paid for the trip with four broken vertebrae and three months of hospitalization.

He returned to bridge work after a long recovery.

In Crockett and nearby El Sobrante, Pinole and other towns, Zampa was known as Al, Husky, Zamp or Gramps, depending on who was talking, relatives said. He helped form the first Little League program and coached boys' teams in the 1940s, said his son, Richard "Dick" Zampa, 67. Al Zampa retired in 1970. He died in April 2000 at age 95.

He was alive when construction began on the new Carquinez span, but he did not know it would be named for him.

"He was at the groundbreaking, and he was starting to go down-hill, to feel pretty ill," said Dick Zampa, who is first general vice president of the International Association of Bridge, Structural and Ornamental Iron Workers Union and president of the state's District Council of Iron Workers.

Dick and his brother Gene worked alongside their father on the 1958 Carquinez Bridge.

"This is a recognition of all blue-collar workers," said Dick Zampa, whose sons Dick Zampa, Jr. and Don Zampa also carry on the family's labor tradition, as apprentice coordinator and business manager, respectively, of Iron Workers Local Union 378 in Oakland.

"It's a tremendous honor for working people as a whole," said Don Zampa, 44. "My gramps, he'd have been pretty baffled by it."

Al Zampa's story, recounted over the years by Charles Kuralt, among others, is a dramatic one. And the bridge is impressive in its own right.

A joint venture of FCI Constructors and Cleveland Bridge, the effort is multinational, pulling workers, prefabricated pieces and building techniques from Britain, Japan and other countries.

The bridge is a smaller-sister of the Golden Gate Bridge, with dual towers rising 410 feet above the water.

By comparison, the Golden Gate's towers reach 746 feet above the bay.

It's expected that the new 2,390-foot span, a replacement for the 1927 bridge, will attract visitors from around the world—though some considered that wishful thinking just a year or two ago.

"I was one of the last people to be convinced," said Sharon Clark, an agent with Signature Realty in Crockett.

Now the possibilities seem more real.

"We would like to be someplace (that makes) the average Bay Area citizen say, 'Wow, what are we going to do this weekend? Let's see what's going on in Crockett.' It's feasible," Clark said.

Many mornings on the Crockett hillside, someone such as Carl Peters, 83, of Pinole, can be found parked in the lot of the Dead Fish Restaurant enjoying the view of a new suspension bridge coming together below.

"To the people here, it's a big deal," said Peters on a recent morning, standing beside his blue Chevrolet pickup and eyeing the lat-

est developments below on what he called "a new symbol for Crockett."

The retired diesel-engine mechanic has stopped by most days for about two years. "There's only one Golden Gate," he said, "but this is pretty slick."

A combination of ingenuity and humor helped the proprietors of the Dead Fish survive the challenges of temporarily losing the highway off-ramp by which most of their customers arrived, said Dante Serafini, a partner in the restaurant.

One of two full-service seafood restaurants in town—the other is Nantucket, on the waterfront—the Dead Fish is still referred to by some locals as Vera's. It formerly was Vera's Villa Valona, a family-style Italian joint. Valona has roots as the community next door to Crockett, with boundaries that are now indistinguishable.

Early residents, including Italian, Portuguese and Spanish immigrants, came to call their town Sugar City after C&H took over the waterfront flour mill in 1906.

Through the Depression most of the C&H plant workers lived in town.

Few of them do now, and the town feels different as a result, according to longtime residents such as Don Zampa.

"Less and less people are there for generation after generation. People grew up, and there's less work in the immediate area," he said. "Generations of people in Crockett worked at C&H. My grandfather was an exception."

TRIBUTE TO GAIL FRENCH

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Ms. HARRIS. Mr. Speaker, I rise today to recognize an outstanding public servant from Florida's Thirteenth Congressional District who demonstrated unparalleled integrity, commitment, and skill throughout her tenure as an employee of the Manatee County, Florida, Veteran Services office.

Gail French began her career in the Manatee County Veteran Services office as a receptionist over 22 years ago. She received steady promotions due to her professionalism and her selfless initiative in assuming responsibility for the most challenging of tasks. Due to Ms. French's diligence and compassion in coordinating their transportation to Bay Pines, Tampa, and MacDill Air Force Base, thousands of veterans received critical medical attention and prescription drugs. Moreover, she expertly provided additional support for our nation's heroes, such as referrals to community assistance programs, mail and copy services, and mail-outs for medical and claim support.

Throughout the years, Ms. French treated every veteran with honor, appreciation, and dignity. At the time of her retirement earlier this summer, she had truly established the gold standard for all who follow her. As a well-deserved commemoration of her years of service, she received an honorary plaque jointly from the Veterans Council and from the Manatee County Veterans Services office on June 27, 2003.

Gail French and her husband, Ronald French, enjoy the blessing of three children, four stepchildren, thirteen grand children, and one great grand child. During her retirement, Ms. French plans to devote her time to her golf game and to her family.

Mr. Speaker, as we venerate Gail French's contributions to her community, her state, and her nation, may the light of her passionate commitment to our veterans and to the public at large continue to animate our dreams and aspirations as public servants.

HE DID NOT SET STANDARDS, HE LIVED THEM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DUNCAN. Mr. Speaker, I assume that not a large number of people read the articles we place in the RECORD, but I am sure that at least a few across the country do. I wish everyone, especially young men, would read the column Richard Cohen wrote about his father in today's Washington Post.

Many years ago, I got a degree in journalism and worked briefly both as a newspaper reporter in Knoxville and as a teacher at T.C. Williams High School in Alexandria. I would guess that Richard Cohen and I are about as different in backgrounds and beliefs as any two men could be, but I greatly admire his writing. I read almost all his columns, but I believe this column about his father is possibly his best ever.

Perhaps this touched me because I was very close to my own father. But, I am going to send this column to my two sons, ages 17 and 23, with a note from me. I will tell them that I believe they have the intelligence and skills and personalities to do great things with their lives, but as Richard Cohen has written, you do not have to be rich or famous or "important" to lead a good life, and that it is far more important to be good than it is to be great.

I would like to call this column to the attention of my colleagues and other readers of the RECORD.

[From the Washington Post, Sept. 9, 2003.]

(By Richard Cohen)

HE DID NOT SET STANDARDS, HE LIVED THEM

NEWTON, Mass.—Harry L. Cohen died early Sunday morning here after a long illness. He is survived by his wife of 66 years, Pearl "Pat" Rosenberg Cohen, two children, two grandchildren and the sweet memories of anyone who knew him. He was 94 years old and my father.

Newspaper obituaries are generally reserved for the notable, the exceptional—people of some achievement or notoriety. My father does not fill that bill. He was a mere high school graduate who worked almost all of his life for one firm. He invented nothing, discovered nothing, wrote nothing and was elected to no office, high or otherwise. He was the most ordinary of men—but, God, I have known few like him and neither have you.

Over the years I have written several columns about my parents. I did that by way of sending them a gift and also because they were great material. My mother, 91, was born in Poland just before World War I. She came to this country as a child and she was—always in Poland and for a time in America—desperately poor. If there is a single person who embodies the glory and the promise of this country, it is my mother. It is that simple.

My father, too, has a story. His starts in some Ken Burns documentary, black-and-

white photo of the Lower East Side of New York, where he was born in a tenement. It was in a tenement, too, where his mother died when he was still a child. My grandfather, poor and unskilled, put my father and my uncle in an orphanage, where—with some Dickensian spells with foster families—he was raised.

He was a Depression kid, my father. In some ways, though, the worst of times were the best of times for him. He had a job. He had a car. Soon, he had a wife and she, of course, worked, too. The two of them virtually never stopped working. Even in retirement, my father took jobs. He went door to door for a polling firm. He parked cars in West Palm Beach, where he had "retired" with my mother. He worked as a doorman in a fancy Palm Beach high-rise. In some sense, he did this because the Depression was, for him, always lurking nearby, but also because he found dignity in work.

Some of this is colorful, I know, but it is not why my father was exceptional. It's because he was a good man. Not once—not ever—did I know him to cheat: not in business, not on his wife, not on his friends and never on his children. I know of no one he hurt, no one he slighted, no one he abandoned. The great men I have spent a lifetime around—the politicians, the statesmen, the rich, the powerful, the creative—can make no such claim. They always say they had to break some eggs to make their omelet. My father made no omelet. But he broke no eggs, either.

I have written this before, but it is worth saying again: My father's sort of goodness is rare. As he lay dying, as we talked about his life, he expressed no regrets. Not from him came reservations about how he neglected his children in favor of work, how he spent too much money, how he cared too much about the appearance of things and little about their substance. He did not understand men who were not charitable, who exchanged wives as they do cars, who would slight a child to score another business deal. He had his dreams, but the overriding one was to lead an honorable life.

To be perfectly truthful, we did not always agree—not on certain issues (Israel, for instance) and not on how one should live one's life. I could not—I have not—been him. He did not set standards, he lived them—and deep into my career I kept thinking that some of the things I wrote and some of the things I did were like a bad report card I was bringing home from school. His disapproval, sometimes not even stated, was concussive. I reeled.

He died in his sleep. He died at home, still tended by my mother and my sister, Judith, and the remarkable women whose chosen work it is to care for the dying. He was never in pain and he was alert almost to the end, still getting the joke, still not wanting to go. He was, I tell you, the most extraordinary of ordinary men, what in Yiddish is called a mensch—not a great man but, much rarer still a good one. There is nothing greater.

INTRODUCTION OF THE EXPANDING OPPORTUNITIES IN HIGHER EDUCATION ACT OF 2003

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. COLE. Mr. Speaker, I rise today to express my strong support, for H.R. 3039, legislation introduced today by my colleagues and myself to expand opportunities in our great na-

tion's higher education system. I encourage my colleagues to join me in supporting this important bill and helping to increase access to postsecondary education.

For nearly four decades, the Higher Education Act has provided opportunities to students throughout the nation as they worked toward a postsecondary education. Now, in the technologically-driven economy of the 21st century, a college education is more important than ever. That's why the bill I am offering is so important; it will help remove barriers and ensure students have the opportunities they need to meet their educational goals.

The cost of college in America has risen rapidly over the past few decades, and this has made achieving the dream of a college education a difficult proposition for many students. However, though college costs are a significant impediment for many aspiring college students, they are but one of many unnecessary barriers to a college education in America. Expanding opportunities for students by removing these barriers will help increase access to college.

By encouraging innovative solutions such as distance learning and the use of advanced technology in the classroom, schools can provide non-traditional college students with a better chance to succeed. I also believe addressing the needs of America's minority serving institutions must be a priority, because these valuable institutions play an essential role in providing opportunities for many students.

There are several areas of particular importance in this legislation. Each of these provisions serves to break down barriers, remove obstacles, increase flexibility, and ultimately expand opportunities within higher education.

This legislation allows for fair and equitable treatment of all institutions, removing the arbitrary rules imposed on some and not others and providing all institutions the ability to compete for federal grants and better serve their students.

An additional unnecessary barrier in current law that is restricting opportunities for students and flexibility for schools is the so-called 50 percent rule. This rule arbitrarily restricts the number of courses that can be offered and the number of students that can be enrolled in courses offered via telecommunications. While this outdated rule was implemented to provide safeguards, times have changed and technology makes online education an important tool in achieving success for many non-traditional students. This bill takes the important step of repealing the 50 percent rule, while maintaining stringent requirements for quality to ensure the integrity of distance education programs is monitored and maintained.

The Expanding Opportunities in Higher Education Act also seeks to strengthen programs such as TRIO and GEAR UP which provide critical student support services. By providing these programs with the flexibility they need to meet the unique needs of the student populations they serve, programs such as these will expand opportunities and allow students to thrive.

Though the legislation I am offering includes many more important reforms, there is one more area of particular importance that I would like to address. Minority Serving Institutions offer tremendous educational opportunity, and I'm pleased that the Expanding Opportunities in Higher Education Act would

make important reforms to allow these institutions the freedom they need to help their students succeed in higher education.

Like all institutions, Minority Serving Institutions must advance their technological capabilities with the changing times and advancement in technology. This bill would allow Historically Black Colleges and Universities and Tribally Controlled Colleges and Universities among others to use a portion of their funds to expand Internet capabilities and other distance learning capabilities, encouraging the use of advanced technology and expanding opportunities.

The Expanding Opportunities in Higher Education Act builds upon the significant reforms for Minority Serving Institutions made in the Ready to Teach Act earlier this year. That legislation created a program to establish Centers of Excellence at high quality Minority Serving Institutions to strengthen and improve teacher training, expand recruitment of minorities in the teaching profession, and provide scholarships to help future teachers pay the cost of completing a teacher training program.

Taken together, these and the many reforms in the bill will help to renew higher education and expand opportunities, helping millions of students and the institutions which serve them. I'm pleased to speak in strong support of this legislation, and encourage my colleagues to join me.

J. STEPHEN HORN POST OFFICE BUILDING

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this bill that names the Post Office in Signal Hill, California, after one of the most distinguished individuals to have served in this House, Congressman Steve Horn. Congressman Horn retired this past January after a lifetime of public service. He was known as an independent, intellectually honest individual who brought to his work a sharp mind, remarkably broad experience, and an outstanding understanding and respect for the needs and abilities of every person.

Congressman Horn has worked in the public policy arena throughout his life. He began his professional career as an aide for President Eisenhower's secretary of labor, James P. Mitchell. He then worked as a legislative assistant to former California Senator Tom Kuchel and served as a senior fellow at the Brookings Institute, Dean of American University and President of California State University at Long Beach from 1970 to 1988. After leading the University for eleven years, he was elected to Congress where his depth of knowledge of government, public administration, education, the arts, and community needs enabled him to provide valuable leadership to his colleagues and this body. Steve served his constituents with diligence, effectiveness, and honor. I wish Steve and his wife Nini the best in retirement.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes due to a personal matter that kept me at home. If I had been present, I would have voted as follows:

SEPTEMBER 3, 2003

Rollcall vote 460, on H.Res. 350, congratulating Lance Armstrong for winning the 2003 Tour de France, I would have voted "yes."

Rollcall vote 461, on H.R. 2309, the J. Stephen Horn Post Office Building Act, I would have voted "yes."

Rollcall vote 462, on H.R. 1533, to amend the securities laws to permit church pension plans to be invested in collective trusts, I would have voted "yes."

SEPTEMBER 4, 2003

Rollcall vote 465, on the motion to table the motion to reconsider on H. Res. 351, I would have voted "yes."

Rollcall vote 469, on the Petri of Wisconsin amendment to H.R. 2989, I would have voted "no."

Rollcall vote 470, on the Tancredo of Colorado amendment to H.R. 2989, I would have voted "yes."

Rollcall vote 471, on the Hastings of Florida amendment to H.R. 2989, I would have voted "no."

Rollcall vote 472, on the Hooley of Oregon amendment to H.R. 2989, I would have voted "no."

Rollcall vote 473, on the Kennedy of Minnesota amendment to H.R. 2989, I would have voted "yes."

Rollcall vote 474, on the Jackson-Lee of Texas amendment to H.R. 2989, I would have voted "no."

Rollcall vote 475, on the Cooper of Tennessee amendment to H.R. 2989, I would have voted "no."

SEPTEMBER 5, 2003

Rollcall vote 476, on the motion to instruct conferees on H.R. 6, I would have voted "no."

Rollcall vote 477, on the motion to instruct conferees on H.R. 1308, I would have voted "no."

Rollcall vote 478, on the Tom Davis of Virginia amendment to H.R. 2765, I would have voted "yes."

Rollcall vote 479, on the Norton of the District of Columbia amendment to H.R. 2765, I would have voted "no."

Rollcall vote 480, on the Hefley of Colorado amendment to H.R. 2765, I would have voted "yes."

IN MEMORY OF PETER WEISS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. MENENDEZ. Mr. Speaker, today I rise in honor of my friend and Jersey Journal political editor and columnist Peter Weiss, who passed away unexpectedly on Saturday, September 6, 2003. In the countless tributes to his life since his passing, Peter Weiss has been

described as the chronicler of the political landscape and people of Hudson County and the State of New Jersey.

In the three decades that I was fortunate enough to know and work with Peter Weiss, he abided by the highest journalistic standards and pursued his stories in Hudson County, New Jersey, with honesty and dedication. From my early start in politics when, as a 20-year-old, I ran for school board and hand-delivered my first press release to him, to the more recent race for House Democratic Caucus Chairman, Peter Weiss always kept a watchful eye on me.

Those of us, who had the privilege to work with Peter Weiss, will miss his boundless energy, wit, and honesty in pursuit of the story behind the story. His sense of humor was of such an infectious nature that even the most serious matters could be discussed in a more relaxed and friendly environment.

He lived and breathed Hudson County politics, understood the machinations of our world, brought to light the backroom dealings, the infighting and competition among New Jersey's powerbrokers, and helped us understand the historical context of present-day politics. He came to the Jersey Journal in 1970 after having worked at the New York Post and Long Island Press. In those 33 years, his institutional knowledge of Hudson County was second to none—with his death, we lost what amounts to the national archives for Hudson County.

Throughout the recurring turbulence of Hudson County politics, Peter Weiss was always a reliable, steady, and, above all, honest force. And with every request for an interview from Peter Weiss, I knew we would embark on a new adventure. As his own paper described, "He savored the scene as a chess player who took delight in anticipating the next moves. For him, though, it was the progression of the game that was most fascinating, not the end result."

Peter Weiss, the Brooklyn native and graduate of Erasmus Hall High School and Long Island University, was a kind, warm, and selfless man, who will be missed dearly. As we all come to terms with this immeasurable loss, our thoughts and prayers are with his wife, Margaret Schmidt, loved ones and the entire Jersey Journal family. We will always feel his presence in our midst, and will never forget him and the incredible void he leaves behind.

REMEMBERING CHARLIE BENNETT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. CRENSHAW. Mr. Speaker, this past Saturday the nation lost a man who lived his entire life as a public servant. Charles Edward Bennett was a lawyer, a soldier, an author, and a legislator. He will be remembered for representing the views of his constituents, his impeccable voting record, his admirable ethics, and for creating an environmental legacy in Northeast Florida to be treasured by past, present, and future generations.

Charlie Bennett began his public career in the Florida State House of Representatives in 1941. After serving only one term in office, he enlisted in the U.S. Army and served in the infantry during World War II. He courageously

led over 1,000 guerillas in the Philippines and was awarded the Silver Star and the Philippines Legion of Honor for gallantry in action. It was also during his military service that he contracted polio. Throughout his life, Mr. Bennett never let the debilitating disease prevent him from his duties as a lawmaker.

In 1948, he was elected to the U.S. House of Representatives and served 22 consecutive terms. Voting over 18,000 times during his career, Charlie Bennett missed only a handful of procedural votes and became known for not missing a single legislative vote between June 4, 1951, and January 3, 1993.

Widely regarded as one of Jacksonville's most trusted public servants, Mr. Bennett was nicknamed "Mr. Clean" for sponsoring legislation to create the House Ethics Committee. Once asked to list the most important legislation he sponsored, Bennett named the making of "In God We Trust" as the U.S. motto and requiring it be included on all coins and currency; creating an ethics code for government service; cosponsorship of the bill enacting the Americans With Disabilities Act; and legislation providing federal assistance toward school construction. Also notable were his roles in creating the Interstate Highway System and the placing of Mayport Naval Station in Jacksonville, Florida.

For his interest in preserving North Florida's natural environment, Charlie Bennett became known as Mr. St. Johns River. As Florida's longest serving congressman and one of the longest serving members of Congress in this nation's history, Mr. Bennett led efforts to clean up and restore the St. Johns River and preserve its cultural and historical significance for future generations. He worked to conserve and enhance wetlands and was instrumental in the creation of the Fort Caroline Memorial and the Timucuan Preserve near Jacksonville. Mr. Bennett was a member of the Jacksonville Historical Society and wrote several books on Northeast Florida's environment and early history.

I am fortunate to have known Charlie Bennett throughout my life. He was a good family friend. Mr. Bennett and my father practiced law together and served in the Army during World War II. It was when my father was stationed in Texas and my mother was about to give birth to my brother that Charlie sent my parents a box of Florida sand. Charlie said he wanted the baby born over Florida soil. That was vintage Charlie Bennett.

Charlie Bennett was well known and respected. He served in Congress with honor and dedication. He set an example we can all recall as we ponder what it means to be a public servant. Mr. Bennett demonstrated his convictions and those values that enable people to place faith in their government. Charlie Bennett was a good man. He was an institution. Charlie Bennett's life is a model for lawmakers everywhere and at every level of government. He will be missed.

PERSONAL EXPLANATION

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise to convey remorse at having missed two votes

on an issue of great significance to me as a former educator, a vote against vouchers and a vote in favor of our public school system.

Unfortunately, I was called to act in my capacity as the Chairman of the Congressional Hispanic Caucus to host a series of important candidate debates that will have serious implications on the future and direction of this country.

If I had been present I would have voted "no" on rollcall No. 478, an amendment offered by Representative DAVIS, to H.R. 2765, the fiscal year 2004 appropriations bill for the District of Columbia.

If I had been present I would have voted "yes" on rollcall No. 479, an amendment offered by Representative NORTON, to H.R. 2765, the fiscal year 2004 appropriations bill for the District of Columbia.

As responsible members of Congress we must focus on ensuring all students in the District of Columbia, and across the country, have the tools for success. We must provide the necessary resources to ensure that all of our students have access to the proven keys to educational success—smaller class sizes, more parental involvement, up to date materials, and high quality instruction.

We should not give up on our public schools. Especially now just as reform efforts in D.C. are showing results. According to the D.C. Board of Education, recent reforms have resulted in improved test scores for public school students and academic gains in low-performing schools. By contrast, there is no evidence that vouchers will improve achievement for disadvantaged students.

Vouchers will not increase parental choice. Under voucher plans, the choice is in the hands of private schools, which can decide whether or not to participate in a voucher program and can discriminate in admissions.

Finally, when I supported the No Child Left Behind (NCLB) Act in the last Congress it was with the understanding that as a country we were focused on raising the level of accountability for the schooling of our children. The implementation of voucher programs like this undermines the public accountability component of NCLB. Private schools would not have to account to the public for how they spend tax dollars or require their students to meet the same standards or take the same assessments as public school students.

Mr. Speaker, I appreciate the understanding of the House and my constituents on this issue.

HONORING MANNY ARVON, SUPERINTENDENT OF BERKELEY COUNTY SCHOOLS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Manny Arvon, Superintendent of Berkeley County Schools, West Virginia, in recognition of his commitment to education and talent as an administrator. Mr. Arvon was recently honored by being named West Virginia School Superintendent of the Year for 2003–2004. Mr. Arvon is now under consideration for the National School Superintendent of the Year.

As the son of a school superintendent and a teacher, Mr. Arvon was raised with a spirit of education. From a very early age, he showed great enthusiasm for education while being involved with his parents as they performed their educational endeavors. This spirit has thrived throughout the years in the Arvon family with many of Manny's relatives working in education and his son planning to enter the field in the near future.

Mr. Arvon began a career as an elementary school teacher before moving on to administrative responsibilities first as a principal and then as an assistant superintendent before being named Superintendent of Berkeley County Schools in 1996.

While Mr. Arvon has proven himself to be more than capable of performing the everyday tasks of a superintendent, his leadership abilities also have shone through greatly as Berkeley County has weathered the demands of a rapidly increasing enrollment, infrastructure needs, and budget challenges. Furthermore, Mr. Arvon has made strides in fostering an excitement for education among both his staff and the community.

I commend Mr. Arvon for his outstanding performance as Superintendent of Berkeley County Schools. This award is greatly deserved and only confirms Mr. Arvon's wonderful job performance throughout his thirty-year tenure in education. The students of Berkeley County, West Virginia have benefited greatly from his dedication and innovation. I wish him the best of luck in the national competition and I am proud to recognize him as an example of leadership for educators everywhere.

Mr. Speaker, I urge my colleagues to join me in recognition of Mr. Manny Arvon, 2003–2004 West Virginia School Superintendent of the Year.

INTRODUCTION OF THE PRETRIAL DETENTION AND LIFETIME SUPERVISION OF TERRORISTS ACT OF 2003

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today the Pretrial Detention and Lifetime Supervision of Terrorists Act of 2003.

In a time when our country faces heightened security alerts and continues to battle against those that would harm our citizens, we cannot risk allowing terrorists to be set free while waiting for trial. Terrorists are unlikely to scale back their efforts to attack Americans anytime soon and, likewise, America should not scale back its efforts to fight and eliminate terrorism in all its forms.

This commonsense legislation cracks down on terrorists by creating a presumption to deny the pre-trial release of those that commit terrorist crimes. Terrorists, and those that fund terrorists, are often highly organized. Because of the highly organized nature of most terrorist groups, the pre-trial release of these criminals would create unnecessary and extremely dangerous opportunities for terrorist groups to help these suspects flee the country before they could be brought to justice. This bill adds terrorist offenses to the list of offenses that

create a presumption that the terrorist suspect is a flight risk and would pose a danger to the community if released. This provision will help keep dangerous terrorists where they belong: in prison.

In addition, this legislation gives discretion to judges to impose lifetime supervision of terrorists once they are released from prison. Specifically, the bill would grant the judge this discretion for all terrorist offenses, not just those that result in death or serious injury. This provision will ensure that these who are convicted of terrorist crimes, including cyber terrorists and those that fund terrorist activities, will not be allowed to re-enter society and re-ignite their efforts against the United States. America simply cannot take the chance that terrorists will stop engaging in terrorist activities merely because they have served their time in prison. Giving judges the discretion to supervise these heinous and dangerous criminals after they are released from prison will help ensure the safety of America and her citizens.

I believe that this is a good, commonsense bill that is necessary for the safety of our country. I urge each of my colleagues to support this important legislation.

TRIBUTE TO BISHOP EARNEST EUGENE BALTIMORE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mrs. CAPITO. Mr. Speaker, I ask the House of Representatives to join me in recognizing Bishop Earnest Eugene Baltimore of Ranson, West Virginia. Bishop Baltimore passed away in 1999 after serving as senior pastor of King's Apostle Holiness Church of God for 51 years. On August 17, 2003, Bishop Baltimore's achievements were recognized through the establishment of a scholarship fund in his honor and the placing of a memorial plaque at Lancaster Circle in Ranson.

Bishop Baltimore's accomplishments and dedication to the community are countless. Many remember him as the former President of the Jefferson County NAACP; President of the South Jefferson Ministerial Association, Vice President of the School of Hope, and Councilman and Member of the Sanitation and Finance Committees for the City of Ranson. He also served as a Board Member for the United Givers Fund and Free Our Citizens of Unhealthy Substance Abuse (FOCUS). Bishop Baltimore was also an active Board Member of the Jefferson County Memorial Park.

As a man of devout faith, Bishop Baltimore preached every Sunday and presided over hundreds of weddings, funerals, revivals, and baptisms in West Virginia and around the country. He also provided local radio ministering during Sunday worship service and traveled and ministered extensively across the United States and throughout the World.

In honor of Bishop Baltimore's longstanding commitment to his community, I ask my friends in West Virginia and my colleagues here in Congress to join me in remembering the great accomplishments of Bishop E.E. Baltimore.

HONORING THOMAS HUDNER AND
THE HEROES OF THE KOREAN
WAR

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

Mr. DELAHUNT. Mr. Speaker, I rise today to pay tribute to the brave men who fought to preserve the ideals of liberty and freedom from oppression that threatened to engulf the entire Korean peninsula back in the summer of 1950. On Sunday, July 27, 2003, in the town of Abington, Massachusetts, veterans of the Korean War, their families and fellow citizens will gather to commemorate the 50th anniversary of the end of what is often called "The Forgotten War." But in truth it was anything but. The fighting, death and destruction was no illusion but a cold hard fact. Over 50,000 Americans were killed, wounded or taken prisoner. Our allies, the South Koreans, and the other countries that fought with us under the umbrella of the United Nations, also suffered. From the Pusan Perimeter and Inchon to the Chosin Reservoir and Pork Chop Hill, so many of our husbands, fathers, sons and brothers made the ultimate sacrifice to en-

sure that Koreans can have the same advantages and freedoms we enjoy here at home.

Representative of the sacrifices of this group of heroes is Congressional Medal of Honor recipient and former Massachusetts Commissioner of Veterans Services, Thomas Hudner. Born in Fall River, Massachusetts in 1924, Mr. Hudner attended the prestigious Phillips Academy and then enrolled in the U.S. Naval Academy at Annapolis. Trained to be a Naval Aviator, Lieutenant (jg) Hudner received orders to go to Korea, where his ship, the USS *Leyte*, arrived in October of 1950. Though enemy naval units were not a major threat, providing support to U.N. ground forces was still dangerous.

The character and mettle of the man was fully revealed on December 4, 1950, when on a mission, the aircraft flown by Ensign Jesse Brown went down in the mountains of North Korea. After confirming that Ensign Brown initially survived the crash, the flight leader radioed for assistance and the Marines dispatched a helicopter. Fearing that the fire now enveloping his friend's plane—or the enemy that was in the area—would reach him first, Lieutenant Hudner, at the risk of his own life, performed a wheels up crash landing of his aircraft and tried to rescue Ensign Brown. The hope was that both could then escape the

area aboard the arriving helicopter. Fighting against snow, sub-zero temperatures and enemy forces, Hudner tried to put out the fire and save his comrade. Unfortunately, the injuries suffered by Brown were fatal. For his bravery and courage Thomas Hudner was decorated with the Congressional Medal of Honor by President Truman in 1951.

After the war, Thomas Hudner continued his military career in the Navy until his retirement in 1973. He continued to live and work in the Boston area. Like others of his generation, when our country needed them, they answered the call. They did their duty, saved and preserved the freedoms we cherish today and returned home to raise their own families during one of America's greatest eras of prosperity. Their legacy is the peace, security and opportunity of today's America. It is a gift so precious we can never repay them except by promising each other to never forget and always remain vigilant. It has been 50 years since the guns fell silent across the cease fire line in Korea. The passing of time has thinned their ranks, but the memories of their deeds in fighting for the liberty we enjoy today will never fade. God bless the men of the Korean War generation, their families and the United States of America.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004.

The House passed H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004.

Senate

Chamber Action

Routine Proceedings, pages S11191–S11261

Measures Introduced: Ten bills and four resolutions were introduced, as follows: S. 1593–1602, S. Res. 219–221, and S. Con. Res. 66. **Page S11245**

Measures Passed

Ed Edmondson United States Courthouse: Senate passed H.R. 1668, to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the “Ed Edmondson United States Courthouse”, clearing the measure for the President. **Page S11261**

Labor, Health and Human Services, Education Appropriations: Senate continued consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto:

Pages S11192–S11240

Pending:

Specter Amendment No. 1542, in the nature of a substitute. **Pages S11192–S11240**

Akaka Amendment No. 1544 (to Amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001. **Page S11192**

Mikulski Amendment No. 1552 (to Amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs. **Page S11192**

Kohl Amendment No. 1558 (to Amendment No. 1542), to provide additional funding for the om-

budsman program for the protection of vulnerable older Americans. **Page S11192**

Dodd Amendment No. 1572 (to Amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act. **Pages S11193, S11228**

DeWine Amendment No. 1561 (to Amendment No. 1542), to provide funds to support graduate medical education programs in children’s hospitals. **Page S11193**

DeWine Amendment No. 1560 (to Amendment No. 1542), to provide funds to support poison control centers. **Page S11193**

DeWine Amendment No. 1578 (to Amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program. **Page S11193**

Harkin Amendment No. 1580 (to Amendment No. 1542), to protect the rights of employees to receive overtime compensation. **Pages S11193–S11209**

Schumer Amendment No. 1598 (to Amendment No. 1542), to provide additional funding for programs under the Ryan White Care Act. **Pages S11228–29**

Reed Amendment No. 1595 (to Amendment No. 1542), to provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981. **Pages S11229–31**

Reed Amendment No. 1592 (to Amendment No. 1542), to increase funding for immunization services. **Pages S11231–32**

Reed Amendment No. 1596 (to Amendment No. 1542), to increase funding for certain literacy, library, and museum programs. **Pages S11232–34**

Corzine Amendment No. 1602 (to Amendment No. 1542), to restore cuts in student aid.

Pages S11234–39

Reid Amendment No. 1603 (to Amendment No. 1542), to increase funding for certain education and related programs.

Page S11239

During consideration of this measure today, the Senate also took the following actions:

By 44 yeas to 51 nays (Vote No. 330), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Byrd Amendment No. 1543 (to Amendment No. 1542), to provide additional funding for education for the disadvantaged. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11192, S11209–15, S11223–25

By 49 yeas to 46 nays (Vote No. 331), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Kennedy Amendment No. 1566 (to Amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11192–93, S11215–16, S11225

By 43 yeas to 51 nays (Vote No. 332), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Durbin Amendment No. 1591 (to Amendment No. 1542), to provide funding for the prevention, treatment, and control of, and research on global HIV/AIDS. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11218, S11225–26

By 47 yeas to 47 nays (Vote No. 333), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Dodd Amendment No. 1597 (to Amendment No. 1542), to increase funds for Head Start. Subsequently, the point of order that the amendment would exceed

discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11226–27

A unanimous-consent agreement was reached providing that at 9:45 a.m., on Wednesday, September 10, 2003, Senate will begin a series of votes on certain pending amendments.

Page S11240

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, September 10, 2003.

Page S11260

Executive Communications:

Pages S11243–45

Additional Cosponsors:

Pages S11245–46

Statements on Introduced Bills/Resolutions:

Pages S11247–57

Additional Statements:

Pages S11242–43

Amendments Submitted:

Pages S11257–59

Authority for Committees to Meet:

Pages S11259–60

Record Votes: Four record votes were taken today. (Total—333)

Pages S11225, S11226, S11227

Adjournment: Senate met at 9:30 a.m., and adjourned at 9:11 p.m., until 9:30 a.m., on Wednesday, September 10, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S11260–61.)

Committee Meetings

(Committees not listed did not meet)

MILITARY OPERATIONS ABROAD

Committee on Armed Services: Committee concluded a hearing to examine U.S. military commitments and ongoing military operations abroad, focusing on the war on terrorism, Afghanistan, Iraq, weapons of mass destruction, and Korea, after receiving testimony from Paul D. Wolfowitz, Deputy Secretary of Defense; Marc I. Grossman, Under Secretary of State for Political Affairs; and General Richard B. Myers, USAF, Chairman of the Joint Chiefs of Staff.

SARBANES-OXLEY ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing on the implementation of the Sarbanes-Oxley Act (Public Law 107–204), focusing on the dramatic change across the corporate landscape to re-establish investor confidence in the integrity of corporate disclosures and financial reporting, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission.

FEDERAL HOME LOAN BANK SYSTEM

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions concluded a hearing on the operations of the Federal Home Loan Bank system, focusing on the responsibility that Congress has placed with the Federal Home Loan Banks to enhance the liquidity of financial institutions, particularly as the Federal Home Loan Bank members meet such community needs as promoting home ownership, after receiving testimony from Wayne A. Abernathy, Assistant Secretary of the Treasury for Financial Institutions; John T. Korsmo, Chairman, Federal Housing Finance Board; Norman B. Rice, Federal Home Loan Bank of Seattle, Seattle, Washington; Terry C. Smith, Federal Home Loan Bank of Dallas, Dallas, Texas; Shelia C. Bair, Isenberg School of Management, University of Massachusetts, Amherst; David W. Hemingway, Zions First National Bank, Salt Lake City, Utah, on behalf of the Federal Home Loan Bank of Seattle; and Michael Middleton, Community Bank of Tri-County, Waldorf, Maryland, on behalf of the Federal Home Loan Bank of Atlanta.

TRANSPORTATION SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine the state of transportation security, focusing on the effects on commerce, "beyond the border" initiatives, advance information and technology, and federal action needed to enhance security efforts, after receiving testimony from Jeffery N. Shane, Under Secretary of Transportation for Transportation Policy; Admiral Thomas H. Collins, Commandant, U.S. Coast Guard, Robert C. Bonner, Commissioner of U.S. Customs and Border Protection, and Admiral James M. Loy, Administrator, Transportation Security Administration, all of the Department of Homeland Security; and Peter Guerrero, Director, Physical Infrastructure, General Accounting Office.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing on the nominations of Suedeon G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission, who was introduced by Senator Bingaman; and Rick A. Dearborn, of Oklahoma, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, who was introduced by Senator Sessions, after each nominee testified and answered questions in their own behalf.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to

examine S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshore, S. 1107, to enhance the Recreational Fee Demonstration Program for the National Park Service, and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park, after receiving testimony from Senator Levin; Representative Radanovich; P. Lynn Scarlett, Assistant Secretary of the Interior for Policy, Management and Budget; Richard G. Ring, Associate Director for Administration, Business Practices, and Workforce Development, National Park Service, Department of the Interior; Jim Maddy, National Park Foundation, Washington, D.C.; Robert Funkhouser, Western Slope No-Fee Coalition, Norwood, Colorado; and Ken Olson, Friends of Acadia, Bar Harbor, Maine.

DOCUMENT FRAUD

Committee on Finance: Committee concluded a hearing to examine the homeland security and terrorism threat from document fraud, identity theft and social security number misuse, focusing on security breaches, and firearm purchases, after receiving testimony from Asa Hutchinson, Under Secretary of Homeland Security for Border and Transportation Security; Robert J. Cramer, Managing Director, Office of Special Investigations, U.S. General Accounting Office; James Lockhart, Deputy Commissioner, and Patrick P. O'Carroll, Assistant Inspector General for Investigations, both of the Social Security Administration; John S. Pistole, Acting Assistant Director, Counterterrorism Division, Federal Bureau of Investigations, and Richard Convertino, Assistant U.S. Attorney, Eastern District of Michigan, both of the Department of Justice; Linda R. Lewis, American Association of Motor Vehicle Administrators, Arlington, Virginia; Robert Douglas, American Privacy Consultants, Oak Creek, Colorado; and Youssef Hmimssa, Rabat, Morocco.

NORTH KOREA

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the situation in North Korea from Colin L. Powell, Secretary of State.

CONTINUITY OF CONGRESS

Committee on the Judiciary: Committee concluded a hearing on a proposed constitutional amendment to allow the appointment of Representatives following a national crisis, focusing on the Constitution, Presidential succession acts, House rules, and other procedures relating to continuity, after receiving testimony from Representatives Dreier and Baird; R.

Doug Lewis, The Election Center, Houston, Texas; Samuel F. Wright, National Defense Committee, Arlington, Virginia; and Thad Hall, The Century Foundation, and Norman J. Ornstein, American Enterprise Institute, both of Washington, D.C.

CHILD PORNOGRAPHY

Committee on the Judiciary: Committee concluded a hearing to examine problems and solutions on peer-to-peer networks regarding pornography, technology, and process, focusing on the risk of inadvertent exposure of juvenile users of peer-to-peer networks to pornography, including child pornography, and the extent of federal law enforcement resources available for combating child pornography on peer-to-peer networks, after receiving testimony from Linda D. Koontz, Director, Information Management Issues, General Accounting Office; John Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Library of Congress; Thomas J. Spota, Suffolk County District Attorney, Hauppauge, New York; Robbie Callaway,

National Center for Missing and Exploited Children, Alexandria, Virginia; Stephen Hess, Office of Information Technology, University of Utah, Salt Lake City; Douglas W. Jacobson, Palisade Systems, Ames, Iowa; and Alan Morris, Sharman Networks Limited, William Barr, Verizon Communications, and Cary Sherman, Recording Industry Association of America, all of Washington, D.C.

SOCIAL SECURITY PROGRAM

Special Committee on Aging: Committee concluded a hearing on protecting seniors from representative payee fraud in relation to social security programs, focusing on the current program's deficiencies and the way legislation can improve safeguards in the Representative Payee Program, after receiving testimony from James G. Huse, Jr., Inspector General, and Fritz Streckewald, Assistant Deputy Commissioner for Program Policy, both of the Social Security Administration; Shirley J. Shears, Legal Aid of West Virginia, Martinsburg; and Jason E. Wills, Community Action Partnership, Lewiston, Idaho.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 3035–3053; and 7 resolutions, H. Con. Res. 274–275, and H. Res. 359, 361–364, were introduced.

Pages H8081–82

Additional Cosponsors:

Pages H8082–84

Reports Filed: Reports were filed as follows:

Supplemental report on H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information (H. Rept. 108–263, Pt. 2); and

H. Res. 360, providing for consideration of the bill H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information (H. Rept. 108–267).

Page H8081

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Cole to act as Speaker pro tempore for today.

Page H8019

Recess: The House recessed at 1:02 p.m. and reconvened at 2 p.m.

Page H8022

Transportation, Treasury, and Independent Agencies Appropriations: The House passed H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004 by a yeas-and-nays vote of 381 yeas to 39 nays, Roll No. 489. The bill was also considered on September 4.

Pages H8023–60

Agreed to:

Honda amendment that increases the amount of funding for the Silicon Valley Rapid Transit Corridor Project in San Jose, California;

Page H8027

Peterson amendment that restores funding to the essential air service program;

Pages H8047–48

Flake amendment that prohibits the use of funds to enforce restrictions on U.S. citizens traveling to Cuba (agreed to by a recorded vote of 227 yeas to 188 noes, Roll No. 483);

Pages H8027–36, H8054–55

Delahunt amendment, No. 2 printed in the Congressional Record of September 3, that prohibits the use of funds for enforcing restrictions on remittances made to Cuban nationals or Cuban households (agreed to by a recorded vote of 222 yeas to 196 noes, Roll No. 484);

Pages H8037–39, H8055–56

Sanders amendment that prohibits the use of funds to assist in overturning the federal court's ruling in the action entitled *Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation* (agreed to by a recorded vote of 258 ayes to 160 noes, Roll No. 485);

Pages H8039–43, H8056

Van Hollen amendment that prohibits the use of funds to implement the revisions to OMB Circular A–76 (agreed to by a recorded vote of 220 ayes to 198 noes, Roll No. 487); and

Pages H8043–48, H8057–58

Davis of Florida amendment that prohibits the use of funds to implement or enforce regulations that would eliminate educational exchanges with Cuba (agreed to by a recorded vote of 246 ayes to 173 noes, Roll No. 488).

Pages H8050–52, H8058

Rejected:

Hefley amendment, No. 6 printed in the Congressional Record of September 3, that sought to cut the total amount of discretionary funding by 1% (rejected by a recorded vote of 87 ayes to 326 noes, Roll No. 481);

Pages H8024, H8053

Sessions amendment, No. 24 printed in the Congressional Record of September 3, that sought to prohibit funding for Amtrak routes that do not recoup 50 cents in revenue per one dollar spent on operating the route (rejected by a recorded vote of 130 ayes to 282 noes, Roll No. 482); and

Pages H8025–27, H8054

Hastings amendment, No. 5 printed in the Congressional Record of September 3, that prohibits the OMB from using funds in the bill to require that agencies establish an inventory of inherently governmental activities performed by federal employees, establish or implement any streamlined competition procedures, require any follow-up competition for public-private competitions won by federal employees, or implement the trade-off source selection process for any activities other than information technology activities (rejected by a recorded vote of 205 ayes to 211 noes, Roll No. 486).

Pages H8048–50, H8056–57

Withdrawn:

Manzullo amendment, No. 1 printed in the Congressional Record of July 24, that was offered and subsequently withdrawn, that sought to specify that in the acquisition of goods and services in compliance with the Buy American Act, such goods will qualify as being “U.S.-made” only if at least sixty-five percent of the product is produced in the United States.

Pages H8024–25

Point of order sustained against:

Maloney amendment, No. 14 printed in the Congressional Record of September 3, that sought to

prohibit funds for the IRS to use in collecting taxes on certain disaster assistance grants given in New York City after the September 11 terrorist attack; and

Pages H8036–37

Mica amendment that sought to prohibit funding to Amtrak unless the company submits all quarterly and annual reports required under Public Law 107–204, the Sarbanes-Oxley corporate accountability law.

Pages H8052–53

H. Res 351, the rule that provided for consideration of the bill was agreed to on September 4.

A unanimous consent agreement, reached on September 4, limited the number of amendments offered on the bill.

Recess: The House recessed at 6:11 p.m. and reconvened at 6:30 p.m.

Page H8053

District of Columbia Appropriations: The House passed H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, by a yea-and-nay vote of 210 yeas to 206 nays, Roll No. 491. The bill was also considered on September 5.

Pages H8060–62

On the demand for a separate vote on the Tom Davis of Virginia amendment to authorize a school voucher program that was agreed to in the Committee of the Whole on September 5, the House agreed to the amendment by a recorded vote of 209 ayes to 208 noes, Roll No. 490.

Page H8061

The bill was considered pursuant to the order of the House of July 25, 2003.

National Defense Authorization Act—Motion to Instruct Conferees: Representative Edwards announced his intention to offer a motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004.

Page H8063

Medicare Prescription Drug Benefit—Motion to Instruct Conferees: Representative Michaud announced his intention to offer a motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003.

Page H8063

Tax Relief, Simplification, and Equity Act Motion to Instruct Conferees: Representative Davis of Tennessee announced his intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003.

Page H8063

Senate Message: Message received from the Senate today appears on page H8019.

Senate Referral: S. Con. Res. 64 and S. Con. Res. 65 were referred to the Committee on Armed Services.

Page H8077

Amendments: Amendments ordered printed pursuant to the rule appear on page H8084–88 .

Adjournment: The House met at 2 p.m. and adjourned at 11:40 p.m.

Committee Meetings

HIGHER EDUCATION ACT—GRADUATE PROGRAMS

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing entitled “Beyond Baccalaureate: Graduate Programs in the Higher Education Act.” Testimony was heard from public witnesses.

FAIRNESS TO CONTACT LENS CONSUMERS ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on H.R. 2221, Fairness to Contact Lens Consumers Act. Testimony was heard from J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; Robert L. Hubbard, Director, Litigation, Antitrust Bureau, Office of the Attorney General, State of New York; and public witnesses.

EPA ELEVATION TO DEPARTMENT LEVEL

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled “Elevation of the EPA to Department Level Status: Federal and State Views,” and on H.R. 37 and H.R. 2138, Department of Environmental Protection. Testimony was heard from James L. Connaughton, Chairman, Council on Environmental Quality; Marianne L. Horinko, Acting Administrator, EPA; Warren Chisum, member, House of Representatives, State of Texas; Howard Roitman, Director, Environmental Programs, Department of Public Health and Environment, State of Colorado; Ron Hammerschmidt, Director, Division of Environment, Department of Health and Environment, State of Kansas; and public witnesses.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations, hearing on Combating Terrorism: Preparing and Funding First Responders. Testimony was heard from former Senator Warren Rudman of New Hampshire; Adrian H. Thompson, Chief, Fire and EMS Department, District of Columbia; and public witnesses.

OVERSIGHT—ADVANCEMENTS IN SMART CARD AND BIOMETRIC TECHNOLOGY

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental

Relations and the Census held an oversight hearing entitled “Advancements in Smart Card and Biometric Technology.” Testimony was heard from the following officials of the GAO: Joel Willemssen, Managing Director of IT Management; and Keith Rhodes, Chief Technologist; Sandy Bates, Commissioner, Federal Technology Services, GSA; Ken Scheffen, Director, Defense Manpower Data Center (East), Department of Defense; Benjamin Wu, Under Secretary, Technology, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Europe approved for full Committee action the following measures: H. Res. 356, expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine in 1932–1933; and H. Res. 355, Commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT

Committee on Rules: Granted, by voice vote, a modified open rule providing 1 hour of general debate on H.R. 2622, Fair and Accurate Credit Transactions Act of 2003. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments to the committee amendment that are printed in the Congressional Record or are pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Oxley and Representatives Shadegg, Ose Frank of Massachusetts, Hooley of Oregon and Inslee.

CHARITABLE GIVING ACT; BUDGET, WASTE, FRAUD AND ABUSE LETTER

Committee on Ways and Means: Ordered reported, as amended, H.R. 7, Charitable Giving Act of 2003.

The Committee also approved the Budget, Waste, Fraud and Abuse letter to be forwarded to the Committee on the Budget.

“PERSPECTIVES ON HOUSE REFORM: FORMER HOUSE LEADERS”

Select Committee on Homeland Security; Subcommittee on Rules held a hearing entitled “Perspectives on House Reform: Former House Leaders.” Testimony was heard from the following former Speakers of the House: Newt Gingrich, Georgia; and Tom Foley, Washington; and former Representatives Bob Walker of Pennsylvania; and Lee Hamilton of Indiana.

Joint Meetings

OSCE

Commission on Security and Cooperation in Europe (Helsinki Commission): Committee concluded a hearing to examine U.S. policy toward the Organization for Security and Cooperation in Europe (OSCE), after receiving testimony from A. Elizabeth Jones, Assistant Secretary for European and Eurasian Affairs, and Lorne W. Craner, Assistant Secretary for Democracy, Human Rights, and Labor, both of the Department of State.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 10, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: business meeting to consider a substitute to H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children, 10 a.m., SD-215.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the cause of the August 2003 Northeast blackouts, and what the federal government can do to ensure that blackouts of this magnitude do not occur again, 9 a.m., SD-342.

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine terrorism two years after 9/11, 10 a.m., SD-226.

House

Committee on Agriculture, to consider a Letter to the Committee on the Budget as required by the Resolution on the Budget for Fiscal Year 2004, 10 a.m., 1300 Longworth.

Committee on Energy and Commerce, to consider the following measures: the Health Care Safety Net Amendments Technical Corrections Act of 2003; H.R. 3034, National Bone Marrow Donor Registry Reauthorization Act; H.R. 1813, Torture Victims Relief Reauthorization Act of 2003; and H.R. 1260, Animal Drug User Fee Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on the Department of the Treasury's views on the regulation of government sponsored enterprises, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled “Developing Sound Business Practices at the Department of Homeland Security,” 2 p.m., 2203 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled “The SV-40 Virus: Has Tainted Polio Vaccine Caused an Increase in Cancer?” 2 p.m., 2154 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled “Worm and Virus Defense: How Can We Protect the Nation's Computers From These Threats?” 10 a.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 1038, Public Lands Fire Regulations Enforcement Act of 2003; H.J. Res. 63, Compact of Free Association Amendments Act of 2003; H.R. 2134, Bail Bond Fairness Act of 2003; a measure to authorize appropriations for the Department of Justice for fiscal years 2004 and 2005; H.R. 2152, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; and H.R. 2714, State Justice Institute Reauthorization Act of 2003, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Water and Power, hearing on the following: H.R. 142, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; H.R. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; H.R. 2960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; and H.R. 2991, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of Interior to participate in the Inland Empire regional recycling project in the Cucamonga County Water District recycling project, 2 p.m., 1324 Longworth.

Committee on Science, hearing on NASA's Response to the Columbia Report, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on the WTO's Challenge to the FSC/ETI Rules and the Effect on America's Small Businesses, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on Reauthorization of the John F. Kennedy Center for Performing Arts, 10 a.m., 2253 Rayburn.

Select Committee on Homeland Security, hearing entitled “Perspectives on 9-11: Building Effectively on Hard Lessons,” 2:30 a.m., 2175 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 10

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, with a series of votes to occur on certain pending amendments beginning at 9:45 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 10

House Chamber

Program for Wednesday: Consideration of H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and

consumer access to, credit information, and for other purposes (open rule, one hour of general debate).

Continue consideration of Ruppertsberger motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act.

Consideration of Suspensions:

1. H.R. 2595, to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002;

2. H.R. 2433, Health Care for Veterans of Project 112/Project SHAD Act of 2003;

3. H. Res. 315, congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans;

4. H. Res. 266, commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

5. H.R. 978, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments; and

6. H.R. _____ honoring the Dali Lama.

Extensions of Remarks, as inserted in this issue

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